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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

OF THE

SIXTH LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF IOWA.

BEGUN AND HELD AT IOWA CITY ON THE FIRST MONDAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND FORTY-THREE.

DUBUQUE:

PRINTED BY WILSON & KEESECKER.

1844.

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

LEGISLATIVE ASSEMBLY OF THE TERRITORY OF IOWA,

Begun and held at Iowa City, on Monday the fourth day of December, one thousand eight hundred and forty-three.

At 12 o'clock, M. the House was called to order by B. F. WALLACE, Chief Clerk, when the following named gentlemen appeared, presented their credentials, and took their seats—the requisite oath having been administered by WM. L. GILBERT, Esqr.

From the County of Lee—JAMES BRIERLY, JOSEPH ROBERTS, and WILLIAM STEELE.

From the County of Van Buren—JOSIAH H. BONNEY and SAMUEL BORLAND.

From the County of Des Moines—ABNER HACKLEMAM, JAMES W. GRIMES, JOHN JOHNSON, and JOHN D. WRIGHT.

From the County of Henry—HAMILTON ROBB, PATON WILSON, and WILLIAM THOMPSON.

From the County of Jefferson—JOHN W. CULBERTSON.

From the County of Louisa—GEO. W. MCCLEARY.

From the County of Washington—THOMAS BAKER.

From the County of Muscatine—EDWARD E. FAY.

From the County of Johnson—JAMES P. CARLETON.

From the Counties of Cedar, Jones and Linn—GEORGE H. WALWORTH and ROBERT SMYTH.

From the County of Scott—G. C. R. MITCHELL.

From the County of Clinton—JOHN BROPHY.

From the County of Jackson—JOHN FOLEY.

From the Counties of Dubuque, Delaware and Clayton—HARDIN NOWLIN and THOMAS ROGERS.

On motion of Mr. Rogers,
Mr. Brierly was appointed Speaker *pro tempore.*
On motion of Mr. Foley,
John G. McDonald was appointed Sergeant-at-Arms *pro tem.*
On motion of Mr. Robb,
James Higgins was appointed Fireman *pro tem.*
On motion of Mr. Hackleman,
John Lorton was appointed Messenger *pro tem.*
On motion of Mr. Grimes,
Ordered, That a Committee be chosen to examine the credentials of members.

The following named gentlemen were chosen said Committee, viz: Messrs. Grimes, Rogers, Wilson, Steele, and Bonney.

On motion of Mr. Nowlin,
The Rules of the last session of the House were adopted temporarily for the government of the House.

Mr. Grimes, from the Commmittee appointed to examine the credentials, &c., made the following report:

The Committee appointed to examine the credentials of the members of this House, having discharged the duty assigned them, beg leave to report, that they find the credentials of the following named gentlemen, correct and in accordance with law:

James Brierly, Joseph Roberts, William Steele, Josiah H. Bonney, Samuel Borland, Abner Hackleman, James W. Grimes, John Johnson, John D. Wright, Hamilton Robb, Paton Wilson, William Thompson, John W. Culbertson, Thomas Baker, Edward E. Fay, Geo. W. M'Cleary, James P. Carleton, George H. Walworth, Robert Smyth, G. C. R. Mitchell, John Brophy, John Foley, Thomas Rogers, and Hardin Nowlin.

Your Committee further beg leave to report, that, although the sitting member from Lousia county has presented no credentials, yet, they are satisfied that they have been regularly issued to him—that he is entitled to his seat, and recommend that he be permitted to retain and occupy the same.

On motion of Mr. Rogers,
Mr. McCleary came forward and took the requisite oath.
On motion of Mr. Thompson,
Said Report was adopted.

Mr. Rogers gave notice that he would, on some future day, introduce a Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for the winding up of the affairs of the same.

And also, Joint Resolutions, relative to the repayment of the fine imposed upon General Jackson.

On motion of Mr. Nowlin,
The House adjourned until to-morrow morning at 10 o'clock.

Tuesday Morning, December 5, 1843.

Alfred Hebard, member elect from the county of Des Moines, appeared and was on motion of Mr. Grimes permitted to take his seat.

On motion of Mr. Brophy,

Samuel R. Murray was appointed Assistant Clerk, *pro tempore.*

Mr. Brophy offered the following:

Resolved, That it is the duty of this House, to select but one officer from each Council district.

A motion was made by Mr. Nowlin, to lay the same on the table.

Which was decided in the negative; Yeas 11, Nays 14.

The yeas and nays being desired by two members.

Those who voted in the affirmative are

Messrs. Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, Nowlin, Rogers, Robb, Walworth and Wright.

Those who voted in the negative are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Carleton, Culberston, Fay, McCleary, Roberts, Smyth, Steele, Thompson and Wilson.

The question then recurred on the adoption of the Resolution, and was decided in the negative.

On motion of Mr. Johnson,

The House proceed to the election of Speaker:

Messrs Grimes and Nowlin acting as tellers; upon counting the ballots it appeared that James P. Carleton had received nine votes, Thomas Rogers nine votes, scattering seven.

No one having received a majority of all the votes, the House proceeded to ballot a second time, when it appeared that

Mr. Carleton had received	12 votes,
Mr. Rogers had received	9 votes,
Scattering,	4 votes,

No one having received a majority of all the votes, the House proceeded to a third ballot when it appeared that,

Mr. Carleton, had received	13 votes,
Mr. Rogers, had received	8 votes,
Scattering,	4 votes,

Mr. Carleton, having received a majority of all the votes, was declared duly elected Speaker.

Messrs. Nowlin and Grimes conducted the Speaker to the Chair, from whence he addressed the House as follows:

GENTLEMEN:—Through your kindness and partiality, I have been selected to discharge the duties connected with the high and important station of Speaker of the House. And whilst I acknowledge, with

feelings of gratitude, the distinguished honor conferred upon me, allow me to say, that I cannot but feel, that I shall fall far below the expectations of those whose kindness has placed me here.

Called for the first time in my life to preside over the deliberations of a body of this kind, and with but a limited experience in legislative proceedings, I cannot promise you, neither I trust will you expect, that familiarity with points of order, or that readiness in the despatch of business, which is so necessary to facilitate your deliberations, and so well calculated to render easy and pleasant the discharge of your duties. Of this much, however, gentlemen, I can assure you, that in my intercourse with you, in the relation which I now sustain, it shall be my endeavor so to act as to promote unanimity of feeling, and the great end for which we have assembled together,—the welfare and prosperity of our growing Territory.

Gathered together, as we are, from every portion of the Territory, and representing, as we do, different local interests, it is but natural to expect, that amid the clash of conflicting claims, occasional storms will arise, but I trust, should such be the case, that they will but serve to purify our mental vision, and enable us to look beyond the interest of our own immediate neighborhood, to the still more commanding interest of all.

Laws should be made to operate equally not partially—the common good of the Territory should be studied in all our proceedings, and upon this altar should we be willing at all times to offer up our sectional feelings and sectional interests. Let us remember too, that the legislation of our infancy is to tell upon our riper years, and it is important that we should so legislate that when this young and rising Territory comes to take her stand among the States our glorious Union, she may be fully prepared for as brilliant a career as that of those which have preceded her. Let her commence her race unclogged—with her energies untrammelled, and it will require no prophet to tell her future destiny.

There is, gentlemen, a high responsibility resting upon us. Let us manfully meet it—that when we come to leave these seats and mingle again with our constituents, we may meet them with a consciousness of having discharged our duty.

Again, gentlemen, allow me to return my thanks for the honor conferred upon me, and again allow me to assure you, that it will be my study in all things to render myself worthy of your confidence.

Messrs. Wallace, Patterson and Christie, a committee from the the Council, were announced, who informed the House that the Council was temporarily organized and ready to proceed to business.

On motion of Mr. Nowlin,

The House proceeded to the election of Chief Clerk and upon counting the ballots it appeared that,

Joseph T. Fales, had received	18 votes,
James W. Woods, had received	4 votes,
John R. Woods, had received	2 votes,
——— Woods, had received	1 vote,

Mr. Fales having received a majority of all the votes, was declared duly elected Chief Clerk.

A motion was made by Mr. Foley,

That the House adjourn until 2 o'clock P. M. The motion was lost.

On motion of Mr. Johnson,

The House proceeded to the election of Assistant Clerk, upon counting the ballots it appeared that,

Samuel R. Murray	had received	15 votes,
T. S. Parvin,	" "	6 votes,
J. R. Woods,	" "	4 votes,

Mr. Murray, having received a majority of all the votes, was declared duly elected Assistant Clerk.

On motion of Mr. Grimes,

The House proceeded to the election of Sergeant-at-Arms, and upon counting the ballots it appeared that,

Charles Snelson,	had received	13 votes,
Scattering,	" "	12 votes,

Mr. Snelson, having received a majority of all the votes, was declared duly elected Sergeant-at-Arms.

On motion of Mr. Steele,

The House proceeded to the election of Messenger, and upon counting the ballots it appeared that,

J. A. Casey,	had received	13 votes,
Scattering	" "	12 votes,

Mr. Casey, having received a majority of all the votes, was declared duly elected Messsenger.

On motion of Mr. Robb,

The House proceeded to the election of Fireman, and upon counting the ballots, it appeared that,

James Higgins,	had received	14 votes,
S. Morton,	" "	10 votes,
T. Griffin,	" "	1 vote,

Mr. Higgins, having received a majority of all the votes, was declared duly elected Fireman.

The officers elect, came forward and were severally sworn, and entered upon the discharge of their duties.

On motion of Mr. Thompson,

The House adjourned, until to-morrow morning at 10 o'clock.

Wednesday Morning, December 6, 1843.

On motion of Mr. Foley,

Resolved, That the Secretary of the Territory be authorized to pay to Benj. F. Wallace the sum of nine dollars, for three days' services as Clerk *pro tem.*

Resolved, That the Secretary of the Territory be authorized to pay to John G. McDonald the sum of nine dollars, for three days' services as Sergeant-at-Arms *pro tem.*

Resolved, That the Secretary of the Territory be authorized to pay to John Lorton the sum of nine dollars, for three days' services as Messenger *pro tem.*

On motion of Mr. Nowlin,

Resolved, That Messrs. Foley, Walworth, and Brierly, be appointed a committee to make the necessary arrangements with the Postmaster of this city, for the payment of all postage on letters and papers sent to and from this House during the present session.

On motion of Mr. Walworth,

Resolved, That the Chief Clerk be authorized to furnish each member of this House with thirty copies weekly, of such newspapers published in this Territory as they may direct.

On motion of Mr. Baker,

Resolved, That the publishers of the Iowa City Reporter be employed to do the incidental printing of this House during the present session.

On motion of Mr. Grimes,

Ordered, That a Committee of two be appointed to wait upon the Council, and inform them that this House is now organized, and ready to proceed to business, and that the same Committee act in conjunction with a Committee to be appointed by the Council, to wait upon, and inform the Governor, that the two Houses are now organized, and ready to receive any communication that he may be pleased to make to them.

Messrs. Grimes and Rogers were appointed said Committee.

Mr. Rogers, in accordance with previous notice, and on leave being given, introduced

No. 1, H. R. File, "A Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for the winding up of the affairs of the same," which was read a first time, and fifty copies ordered to be printed.

On motion of Mr. Walworth,

Ordered, That a Committee of one from each Electoral District be appointed, to prepare Rules for the government of this House.

Whereupon, Messrs. Walworth, Hackleman, M'Cleary, Thompson,

Fay, Culbertson, Mitchell, Bonney, Brierly, Baker, Brophy, Foley, and Nowlin, were appointed said Committee.

On motion of Mr. Baker,

Ordered, That the following be the Standing Committees of this House:—

On Judiciary;
Internal Improvements
Military Affairs,
Engrossed Bills,
Territorial Affairs;
Corporations;
Public Buildings;
On Common Schools;
Claims,
Enrolled Bills,
Expenditures;
Roads and Highways;
Township and County Boundaries;
Agriculture.

Mr. Grimes gave notice, that he would, on to-morrow, or some day thereafter, introduce a bill entitled

"An Act to incorporate the Aspern Grove Cemetry Association."

On motion of Mr. Thompson,

Ordered, That the Governor, Secretary, Judges of the Supreme Court, Members of the Council, and Editors of Newspapers, be permitted to take seats within the Bar of this House.

On motion of Mr. Brierly,

Ordered, That the Chief Clerk give the subordinate officers written instructions to aid them in the discharge of their respective duties.

Mr. Grimes, from the Committee appointed to wait upon the Council, as well as upon the Governor, reported, that the Committee had discharged the duty assigned them, and that the Governor would, in a short time, communicate to the House in writing.

A communication, in writing, was then received from the Governor, by Mr. Burr, Secretary of the Territory, which was read by the Clerk, and is as follows:

IOWA CITY, December 4th, 1843.

Fellow citizens of the Council and of the House of Representatives:

Since the termination of the last session of the Legislative Assembly, it has pleased the Almighty Power, in whose hands we are, to vouchsafe to the people of this Territory as great a degree of exemption from disease as has fallen to the lot of any portion of our extensive country; and although, in some localities, recent emigration and the exposure incident to a want of comfortable houses for a short time, have produced bilious diseases, in a mitigated form, still it may be asserted with perfect truth, that no portion of the country, watered by the tributaries of the Mississippi, has in its early settlement been more favored in the health of its inhabitants than Iowa, and while a bounteous providence has blessed us with abundance we have cause to felicitate ourselves that, the peace and personal security of our citizens have been undisturbed and unmolested in a degree which many older communities cannot boast of.

Heretofore we have been prosperous, and well protected under the

fostering care of the General Government, and if in some respects our commerce has not been as liberally provided for and promoted, as we had a right to expect, and as an enlightened policy would have dictated, it is gratifying to know that the omission affects in common with us, an interest so extensive and a population so numerous—now fully represented in the councils of the nation—that the period cannot be remote, at which this subject will be pressed upon the government with a power which will not he easily resisted. And we may promise ourselves too, that at an early day we shall be permitted to add some additional weight to the already numerous representation in Congress from the great valley of the Mississippi, in demanding the efficient action of that enlightened body in promoting the vast and rapidly increasing agriculture and commerce of the western States and Territories.

These interests have been too long permitted to languish and suffer from obstructions to the safe navigation of our rivers, which the government could, and ought to have caused to be removed, and although our former attempts to attract the attention of Congress to the subject have been unsuccessful, we owe it to ourselves to renew our efforts, and especially at this time to insist earnestly upon a full consideration of our claims to relief from the severe losses and heavy impositions under which we labour, from causes so easily removed by the power to which it belongs to redress the grievance; a new Congress has now assembled, and for the first time for ten years the people of the new States are represented in proportion to their numbers, we may therefore reasonably hope for a more favorable consideration of those interests which have heretofore seemed to be too far from tide water to attract the degree of attention which their importance merit.

Our population has now, it is confidently believed, attained a numerical strength which entitles us to a participation with the States of the Union in the government of its affairs, and to the benefits of local legislation, subject to no restraints but such as are imposed by the constitution of the United States, and as we may choose to impose in the formation of a State constitution. I therefore consider it my duty, respectfully to recommend, that you make provision by law for ascertaining the wishes of your constituents in relation to this important matter; and that you apply to Congress to fix and establish, during its present session, a boundary for the proposed State, and to sanction the calling of a convention, and make provision for our reception into the Union so soon as we shall be prepared to demand it. The establishment of a boundary for us by Congress, will prevent the intervention of any difficulty or delay in our admission into the Union, which might result from our assuming limits which that body might not be disposed to concede to us.

Early in the month of May last, the confederated tribes of the Sac and Fox Indians, in conformity to their treaty with the United States of the 11th October, 1842, removed to the west of the temporary boundary established by that treaty, which has since been ascertained by actual survey and marked, under the direction of the government.

The removal of these tribes has opened an extensive and very valuable portion of our territory to settlement, and the tide of emigration which immediately rushed into it, and has continued to flow ever since, shows that its value and importance are justly appreciated.

The increase of population west of the old Indian boundary, will render it necessary that provision be made by law for attaching some of the counties formed by the act of the last session, to the judicial districts, and placing them in all respects upon an equal footing with the counties previously organized.

In the month of July last the President directed a negotiation to be opened with the Winnebago Indians, with a view to their removal from the tract of country know as the Neutral Ground, where their vicious habits had rendered them offensive and dangerous to the adjacent white inhabitants; but every effort to induce them to remove, proved unavailing, and I fear their obstinacy and almost universal intemperance, acted upon and encouraged by interested advisers among the whites, whom they look upon as their friends, will induce them to continue to resist the benevolent wish of the Government to provide a residence for them more remote from white population, and where the facilities they now enjoy for indulging in their besetting sin of habitual drunkenness, would not be afforded them, until their conduct will produce a necessity for compelling them to take a position less annoying aud dangerous to our citizens, and less destructiue to themselves. In the mean time, the War Department has caused such instructions to be given to the officer in command of the United States troops at Fort Atkinson, us it is hoped will in a great measure protect our citizens residing near the Neutral Ground against further aggressions from these besotted people.

It is proper to state in this connection, that the intemperate habits of these Indians can be clearly traced to a depraved and lawless portion of our citizens, who, in defiance of the laws of the United States and of the Territory, and in total contempt of every principle of morality continue to supply them with whiskey in such qnantities as to keep a large portion of them in a state of almost uninterrupted intoxication. The laws prohibiting this offence, impose only pecuniary penalties for a breach of them, and the frauds and extortion practised upon the Indians by the offenders, enable them, in case of conviction, to pay the penalties imposed, and still prosecute their infamous traffic with a large profit. The fact is well known to these lawless people that their practices not only endanger their own lives, but the lives and property of their unoffending fellow citizens and cause the butchery and destruction of their Indian victims to an extent not generally known to others; but these evils produce no compunctions with them, and I earnestly recommend to you the revision and amendment of the existing laws in relation to this crime, with a view to the infliction of more exemplary punishment for its commission, and if possible to ensure a more effectual execution of whatever provisions now exist or which you may deem necessarry to enact for its prevention and punishment.

The work on the public buildings at this place has been limited during the past season by the means placed at the disposal of the Territorial Agent, and its further prosecution will depend upon such provision as you may deem it expedient to make for that purpose.

The payment of the unsatisfied debts against the Territory, incurred under legislative authority on account of the public buildings, ought to be provided for and met, with as much promptitude as practicable.

Last spring the Warden of the Penitentiary communicated to me a plan of operations which he proposed to adopt for the advancement of the work on the buildings and enclosures then in progress, and which were indispensable to the secure keeping and accommodation of the convicts; his proposition embraced what I deemed the most profitable employment of the labor of the convicts, with the least expenditure for which it was practicable to attain the object of such an enlargement of the accommodations of the institution as the increase of the number of convicts demanded. The plan proposed met my my decided approbation, and as the Warden proposed to incur the risk of a legislative provision for such advances as its execution might require, I assured him of my hearty concurrence in any measure which the legislature might think proper to adopt for his indemnification, and I learn from a report which he has made me, that he has very successfully prosecuted the work he contemplated, with an expense even less than he had estimated; adding greatly to the comfort and security of the convicts, and placing the institution upon such a footing, as will with proper management enable us to avoid to the necessity of future appropriations for its support. The Wardens Official Report will explain to you more at large the nature and extent of the work he has caused to be done and the expenditure he has incurred; and I respectfully recommend that provision be made by law for reimbursing him.

We have still to regret that our repeated appeals to Congress for the means of completing this work, so necessary to the due execution of our criminal laws, have been attended with but little success, but in the relation in which we stand to the General Government, our claim for such aid, is to my mind so undeniably just and proper, that I cannot refrain from recommending that it be again presented and urged upon the attention of that body.

In my former communications to the Legislative Assembly, I have represented the almost universal neglect of the officers of the militia to perform their duties, and especially that their failure to report the number and equipments of their respective commands, as required by law, puts it out of the power of the War Department of the General Government to furnish us with the arms to which we would be entitled upon making proper returns. No change has taken place in this respect, and if the means of putting arms into the hands of our militia is deemed important to the safety of our extensive and exposed frontier, I would again recommend the adoption of such measures as will enable us to obtain them. The causes which render hopeless any effort to enforce the performance of the official duties of our militia offi-

cers, by military means, are stated at length in my last annual message, to which I beg leave respectfully to refer you.

The law authorizing the organization of township schools, seems to be entirely overlooked by those to whom the duty is committed, and it is mortifying to see how little interest the important subject of education excites among us, even the school lands, or sixteenth section, in every township, are found in most cases, to be wholly neglected, and in many to have been converted to individual use, or to have been trespassed upon and pillaged to their great injury. The value of this provision for education cannot be too highly appreciated, and I earnnestly recommend that the County Commissioners in every organized county be not only permitted, but *compelled* in every instance where the school lands are found in the unauthorized occupancy of individuals, to obtain possession of them by such legal means as may be necessary for that purpose, or at their discretion, to permit the occupants to become tenants, paying a moderate rent in making improvements on the land or otherwise, and covenanting to commit no waste, and to surrender the possession to them or their successors in office, at the expiration of the term agreed upon, and that where the lands are not occupied, the County Commissioners be required to protect them against trespassers and to cause them to be settled and improved whenever it may be practicable to do so.

Notwithstanding the restrictions imposed by Congress upon the expenditure of the appropriations for the support of the Territorial Governments, I find that the pay and milage of the members of the Legislative Assembly of this Territory, the pay of its officers, printing and other incidental and miscellaneous expense of the last session, amount to about five thousand dollars more than the appropriations made by Congress for those objects. This is the more to be regretted because the territorial treasury does not afford the means of paying the deficiency, and the persons to whom it is payable are left to the doubtful contingency of their claims being paid at the United States Treasury, and may be compelled to wait a further appropriation by Congress to satisfy them; to avoid a recurrence of such a state of things, I would respectfully recommend that your appropriations of the fund allowed by Congress for legislative purposes, be made as specific as possible, and in no case permitted to exceed the fund from which they are to be paid. Despatch in the discharge of your legislative duties and economy in the expenditure of the money appropriated for the expenses of your session, may enable you to leave a considerable amount of that fund unexpended, which. on your representation, Congress would probably permit to be applied to the payment of the deficiency of last year.

I beg you, gentlemen, to be assured that it will give me pleasure to co-operate with you in the adoption of such measures as may tend to promote the happiness and prosperity of our fellow-citizens.

I am, very respectfully,
Your obedient servant,
JOHN CHAMBERS.

The Message of the Governor having been read—it was,

On motion of Mr. Walworth,

Ordered, That one thousand copies be printed.

On motion of Mr. Robb,

Ordered, That this House do now adjourn until to-morrow morning at 10 o'clock.

Thursday Morning, December 7, 1843.

The Speaker announced the following named gentlemen to compose the Standing Committees of the House:

On the Judiciary—Messrs. Thompson, Grimes, Baker, Rogers, and Mitchell.

On Common Schools—Messrs. Bonney, Hebard, Wright, Foley, and Robb.

On Internal Improvements—Messrs. Brierly, Wilson, Borland, Johnson, and Brophy.

On Claims—Messrs. Nowlin, Foley, Steele, Smith, and M'Cleary.

On Military Affairs—Messrs. Baker, Rogers, Mitchell, Bonney, and Nowlin.

On Enrolled Bills—Messrs. Hebard and Robb.

On Engrossed Bills—Messrs. Walworth and Mitchell.

On Expenaitures—Messrs. Hackleman, Roberts, Fay, Wilson, and Walworth.

On Territorial Affairs—Messrs. Rogers, Wright, Borland, Roberts, nd Culbertson.

On Roads and Highways—Messrs. Wilson, Wright, Culbertson, Walworth, and Borland.

On Corporations—Messrs. Grimes, Thompson, Brophy, Johnson, and Steele.

On Townships and County Boundaries—Messrs. Foley, Culbertson, Steele, M'Cleary, and Smyth.

On Public Buildings—Messrs. Johnson, Brierly, Fay, Hackleman, and Robb.

On Agriculture–Messrs. Brophy, Roberts, Smyth, Brierly, and Nowlin.

Mr. Brophy presented the petition of sundry citizens of Clinton county, praying for the re-location of the seat of Justice of said county; which was laid upon the table.

Mr. Robb presented the petition of sundry citizens of the Territory, praying the Legislative Assembly to grant a Charter to Hugh Boyle and Ralph Bissell, of Henry county, to erect a Dam across Skunk river, in Township 70, N. Range 6, W. in Sec. No. 25, of said Township. Said petition was, on motion of Mr. Steele, referred to a Select

Committee, composed of the delegations from the counties of Lee and Henry.

Mr. Brophy gave notice, that he would, on some future day, introduce a Bill to repeal an Act entitled "An act for the prevention of certain immoral practices."

Mr. Foley, from the Committee appointed on yesterday to confer with the Postmaster at Iowa City, relative to the postage of letters and papers, sent and received by the members of this House, reported, that the Committee have made the necessary arrangements with the Postmaster for the transmission and reception of such documents, letters and papers as may be necessary during the present session; and would recommend the passage of the following resolution—

Resolved, That the Chief Clerk of the House be directed to furnish each member with a small note book, in which it shall be the duty of each member to enter all letters, documents, and papers, which may be received and transmitted by him through said office, and that the Postmaster be authorized to charge such only as may be entered in said books.

A motion was made by Mr. Rogers, to lay the report and resolution upon the table. The motion was lost.

Pending the question on the adoption of the resolution,

Mr. Baker moved to re-consider the vote upon the motion to lay upon the table; which was decided in the negative.

A motion was made by Mr. Hackleman, that the House do now adjourn until to-morrow morning at ten o'clock.

The motion was lost.

On motion of Mr. Steele,

Ordered, That the House adjourn until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The question before the House, previous to the adjournment, being the resolution reported by Mr. Foley relative to postage, &c.,

Mr. Nowlin offered the following as a substitute therefor:

Resolved, That the Postmaster of this City be requested to keep a daily account of the postage on all letters, papers, and other documents, sent to and from the members of the House, during the present session, and to make a report of the same, weekly, to the Chief Clerk; which was adopted.

Mr. Grimes, in accordance with previous notice, and on leave being granted, introduced

No. 2. H. R. File, entitled "A Bill to incorporate the Aspen Grove County Association;" which was read a first time, and,

On motion of Mr. Grimes,

The 42d rule was suspended, and the bill read a second time.

On motion of Mr. Grimes,

Ordered, That the bill be engrossed, and read a third time on to-morrow.

Mr. Walworth offered the following:

Resolved, That it be the duty of each member to keep an account of the postage on all letters, papers, and documents, received or transmitted by him through the Post Office in this city, and render the same to the Committee on Expenditures, at the close of the session.

And the question being put, Will the House adopt the resolution?

It was decided in the negative. Yeas 6, Nays 19.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative were

Messrs. Grimes, Mitchell, Robb, Smyth, Steele, and Walworth.

Those who voted in the negative were

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, Hebard, Johnson, M'Cleary, Nowlin, Roberts, Rogers, Thompson, Wilson, Wright, and Carleton, [Speaker.)

On motion of Mr. Rogers,

Ordered, That this House do now adjourn until to-morrow morning at 10 o'clock.

Friday Morning, December 8, 1843.

Mr. Walworth, from the Committee on Engrossed Bills, reported No. 2, H. R. File, "A Bill to incorporate the Aspen Grove Cemetery Association," as correctly engrossed.

Mr. Brierly presented the petition of sundry citizens of Lee county, praying that a Charter may be granted to Daniel C. Davis, to keep a Ferry across the Mississippi river, between Montrose and Nauvoo.

Said petition was referred to a Committee, composed of the delegation from Lee county.

On motion of Mr. Grimes,

Ordered, That the Committee on the Judiciary, be instructed to enquire into the expediency, if so amending the present law of this Territory as to limit and confine, the Jurisdiction of Justices of the peace and constables, to the respective Townships, in which they were, or may hereafter be elected.

On motion of Mr. Robb,

Resolved, That the Territorial Treasurer, be and he is hereby directed, to report to this House, at as early a day as practicable, the present state of the Treasury, together with the amount of Territorial tax, paid by the several counties, since the first of January 1840, keeping the tax of each county and of each Year seperate.

On motion of Mr. Fay,

Ordered, That the Speaker of the House, be authorized to grant the use of this Hall, to ministers of all professions, at his discretion, for the purpose of public worship, on the sabbath days.

Mr. Nowlin submitted the following,

Resolved, that in the opinion of this House, it is expedient, that speedy measures be taken for the admission of Iowa, as a free and independent State.

A motion was made by Mr. Grimes, that the Resolution do lie upon the table, and passed in the affirmative.

Mr. Baker gave notice, that he would on to-morrow, or some day thereafter, ask leave to introduce a Bill, to organize the counties of Keokuk and Mahaska.

Mr. Bonney gave notice, that he would on to-morrow or some day thereafter, ask leave to introduce a bill, to change the time of holding the General Election.

Also, a bill to amend the first section of an Act entitled an "Act, to establish new counties, and define their boundaries," &c. approved Feb. 17th. 1843.

Mr. Hackleman gave notice, that he would on some future day, ask leave to introduce a Bill, to amend an Act, entitled an Act, to provide for the Election of Justices of the Peace, &c. approved Feb. 9, 1843.

Mr. Fay gave notice, that he would on to morrow, or some future day, ask leave to introduce a bill, to repeal the existing militia laws.

Mr. Hebard submitted the following.

Resolved, That the necessary business before this House, will not require a session beyond the 20th of January next, and that this House with the concurrence of the Council, will be prepared to adjourn on that day.

A motion was made by Mr. Baker, that the Resolution do lie upon the table, which passed in the affirmative, Yeas 14, Nay 11.

The yeas and nays being desired by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Borland, Culberston, Foley, Hackleman, Mitchell, McCleary, Robb, Roberts, Rogers, Smyth, Thompson and Wilson.

Those who voted in the negative are,

Messrs. Bonney, Brophy, Fay, Grimes, Hebard, Johnson, Nowlin, Steele, Walworth, Wright and Carleton, Speaker.

Mr. Johnson gave notice, that on some future day, he would introduce a Bill to provide for raising a revenue, for the improvement of Roads and Highways.

Also, a Bill to abolish Capital punishment.

Mr. Walworth, from the select Committee, appointed to prepare Rules for the government of the House, reported, that the Committee had had under consideration the duty assigned them, and would recommend the adoption of the rules of the last session.

On motion of Mr. Nowlin,

The House resolved itself into a Committee of the whole House upon the report of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Foley, reported, that the Committee had, according to order, had the rules of the previous ses-

sion under consideration, and directed him to report the same to the House without amendment.

On motion of Mr. Baker,

Ordered, That the report of the Committee be agreed to, and the Rules adopted.

On motion of Mr. Walworth,

Ordered, That a Committee be appointed, on the part of the House, to confer with a similar Committee, to be appointed on the part of the Council, to prepare Rules regulating the intercourse between the two Houses.

Messrs. Walworth, Nowlin, and Baker, were appointed said Committee.

A motion was made by Mr. Baker, to refer the Governor's Annual Message to a Committee of the whole House, which passed in the negative.

On motion of Mr. Brierly,

Ordered, That so much of the Governor's Message as relates to Commerce, be referred to the Committee on Internal Improvements.

On motion of Mr. Walworth,

Ordered, That so much of the Governor's Message, as relates to the formation of a State Government, to be referred to a Select Committee of one from each Electoral District.

Whereupon, Messrs. Walworth, Roberts, Bonney, Grimes, Thompson, Culbertson, M'Cleary, Baker, Fay, Mitchell, Brophy, Foley, and Nowlin, were appointed said Committee.

On motion of Mr. Foley,

Ordered, That so much of the Governor's Message as relates to attaching counties, formed at the last session to existing Judicial Districts, be referred to the Committee on Territorial Affairs.

On motion of Mr. Baker,

Ordered, That so much of the Governor's Message as relates to the amendments of the law prohibiting the sale of spiritous liquors to the Indians, be referred to the Committee on Territorial Affairs.

On motion of Mr. Thompson,

Ordered, That so much of the Governor's Message, as relates to the completion of the Public Buildings, at Iowa City, be referred to the Committee on Public Buildings.

On motion of Mr. Brierly,

Ordered, That so much of the Governor's Message as relates to the Penitentiary, be referred to the Committee on Public Buildings.

On motion of Mr. Robb,

Ordered, That so much of the Governor's Message as relates to the Militia, be referred to the Committee on Military Affairs.

On motion of Mr. Culbertson,

Ordered, That so much of the Governor's Message as relates to the School Lands, be referred to the Committee on Common Schools.

On motion of Mr. Walworth,

Ordered, That so much of the Governor's Message as relates to the

debts of the Territory, be referred to the Committee on Expenditures.

No. 1, H. R. File, entitled "A Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same," was read a second time.

A motion was made by Mr. Grimes, that the said Bill be referred to the Committee on the Judiciary.

A motion was made by Mr. Rogers, that the Bill be referred to a Committee of the whole House, and made the order of the day for Monday next; which motion, having the precedence, was passed in the affirmative. Yeas 18—Nays 7.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative were,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, Johnson, McCleary, Nowlin, Roberts, Rogers, Smyth, Walworth, Wright, and Carleton, (Speaker.)

Those who voted in the negative, were,

Messrs. Grimes, Hebard, Mitchell, Robb, Steele, Thompson, and Wilson.

No. 2. H. R. File, "A Bill to incorporate the Aspen Grove Cemetery Association," was read a third time.

A motion was made by Mr. Grimes, that the 56th Rule of the House be suspended, that the bill might be amended, which question passed in the affirmative.

The Bill was then amended, passed, and its title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Then, on motion, the House adjourned until Monday morning, at 10 o'clock.

Monday Morning, December 11, 1843.

Mr. Grimes, presented the petition of 239 citizens of Des Moines county, praying the repeal, or a modification of an Act entitled "An Act, subjecting real and personal estate to execution;"

On motion of Mr. Grimes,

Ordered, That said petition, be referred to the Committee on the Judiciary.

Mr. Fay, presented the petition of 212 citizens of Muscatine County, praying the repeal, or modification of an act entitled "An Act, to organize, discipline, and govern the Militia."

On motion of Mr. Fay,

Ordered, That said petition, be referred to the Committee on Military affairs.

Mr. Baker, presented the petition, of sundry citizens of Washington

county, praying the relocation of a portion of the Territorial Road, leading from Washington to Burlington, said petition was,

On motion of Mr. Baker,

Referred to the Committee on Roads and Highways,

On motion of Mr. Wilson,

Resolved, That the Committee on the Judiciary, be instructed to enquire into the expediency of amending the "Valuation Law," so as to give the plaintiff in Execution, the right of selecting, any property that may be subject to Execution, and, if said property, shall not sell at its full appraised value, the plaintiff may take the same, or, hold his lein on the property, until it will sell.

Mr. Nowlin gave notice, that he would on some future day, ask leave, to introduce a bill, to provide for the appointment of collectors, in certain cases.

Mr. Steele, from the select committee, appointed for that purpose, reported, No. 3, H. R. file, entitled "A bill to authorize Hugh Boyle and Ralph Bissell, to erect a Dam across Skunk river, in Henry county," which was read a first time.

No. 1, H. R. File, "A Bill to, repeal the Charter of the Miners' Bank of Dubuque, and, to provide for winding up the affairs of the same;" being the order of the day, was taken up;

A motion was made, by Mr. Hackleman, that the consideration of the Bill be postponed, and, that it be made the special order of the day, for Friday next, which passed in the affirmative.

A motion was made by Grimes, that the resolution, offered by Mr. Hebard, on Friday last, relative to the adjournment on the 20th Jan. next, be taken from the table and considered. It was decided in the negative.

On motion of Mr. Robb;

Ordered, That a Committee on Finance be appointed, as one of the standing Committee's of the House.

Messrs. Robb, Fay, Hebard, Hackleman and McCleary, were appointed said Committee.

On motion of Mr. Hackleman,

Ordered, That the House do now adjourn, until to-morrow morning at 10 o'clock.

Tuesday Morning, December 12, 1843.

A message from the Council, by Mr. Wallace their Secretary:

Mr. Speaker.

I am directed to return to the House of Representatives,

No. 2, H. R. file, "An Act to incorporate, the Aspen Grove Cemetery

Association;" the same having passed the Council.

The Council have also passed,

No. 1, C. file, "A Bill to locate a Territorial road," therein named in which the concurrence of the House of Representatives is requested.

The Council have appointed, Messrs. Cook, Cox and R. M. G. Patterson, a committee on the part of Council, to act in conjunction with a similar committee appointed on the part of the House, of Representatives to prepare joint rules, to regulate the intercourse between the two Houses.

And then he withdrew.

Mr. Bonney, presented the petition, of William Wetherbee, of Van Buren county, praying for a dissolution of the bonds of matrimony, existing between him, and his wife Hannah.

On motion of Mr. Bonney,

Ordered, That said petition, be laid upon the table.

On motion of Mr. Brophy,

Resolved, that it be the duty, of the committee on Finance, to enquire into the expediency, of paying the arrearages of the last session of the Legislative Assembly, and report the same to this House, as soon as practicable.

On motion of Mr. Culberston,

Ordered, That the committee on the Judiciary, be instructed to enquire into the expediency, of so amending the Law, concerning grand and petit Jurors, so as to make it the duty of the Township Trustees, to select the Jurors.

Mr. McCleary gave notice, that he would on some day, ask leave to bring in "A Bill, to legalize the Acts of Isaac Parsons, a justice of the peace," in and for the county of Louisa.

On motion of Mr. Smyth,

Ordered, That the Committee on Finance, be requested to ascertain the amount of debts contracted, by former Legislatures; and report as soon as practicable, to this House.

Mr. Robb gave notice, that he would on to-morrow ask leave to introduce "A Bill to authorize Sheriffs to make deeds, to lands sold for the non-payment of taxes."

Mr. Walworth, from the Joint Committee, appointed upon the part of the House, to act with a similar committee, on the part of the Council, to prepare rules to govern the intercourse between the two Houses, reported that the committee had performed the duty assigned them, and recommended the adoption of the joint rules, of the last session.

On motion Ordered, that the report of the committee be concurred in, and the rules adopted.

No. 3, H. R. file, "A Bill to authorize Hugh Boyle and Ralph Bissell, to erect a Dam across Skunk river in Henry county;" was read a second time.

On motion of Mr. Baker,

Ordered, that said Bill, be laid upon the table, until the 2nd day of January next.

No. 1, C. file, "A Bill to locate, a Territorial Road therein named;" was read a first time.

A motion, was made by Mr. Robb, that the resolution, offered by Mr. Hebard on Friday last, relative to the adjournment of the Legislative Assembly, on the 20th of January next, be taken from the table; which passed in the affirmative.

Yeas 14, Nays 11.

The yeas and nays being desired by two members.

Those who voted in the affirmative are,

Messrs. Bonney, Brophy, Fay, Grimes, Hackleman, Hebard, Johnson, McCleary, Robb, Smyth, Thompson, Walworth, and Wright.

Those who voted in the negative are,

Messrs. Baker, Brierly, Borland, Culberston, Foley, Mitchell, Nowlin, Roberts, Rogers, Wilson and Carleton, Speaker.

A motion was made by Mr. Hackleman, that the further consideration of the resolution, be postponed until the 15th day of January next, which was decided in the affirmative.

Yeas 14, Nays 11.

The yeas and nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Borland, Culberston, Foley, Hackleman, Mitchell, McCleary, Nowlin, Roberts, Rogers, Thompson, Wright, and Carleton, Speaker.

Those who voted in the negative are,

Messrs. Bonney, Brophy, Fay, Grimes, Hebard, Johnson, Robb, Smyth, Steele, Walworth and Wilson.

Mr. Nowlin, in accordance with previous notice, and, on leave being granted, introduced No. 4, H. R. file, "A Bill, to provide for the appointment of collectors, in certain cases." Which was read a first time.

On motion the House adjourned until to-morrow morning at 10 o'clock.

Wednesday Morning, December 13, 1843.

Mr. Mitchell presented the petition of 114 citizens of Scott county, praying that the Ferry Charter of John Wilson, authorizing him to keep a Ferry at the town of Davenport, in said county, be so amended, as to allow him to keep a Swing Ferry.

Said petition was referred to the Committee on Incorporations.

Mr. Mitchell also presented the petition of 94 citizens of Scott county, praying an amendment of so much of the Revenue Law as relates to the powers and duties of Assessors.

Said petition was laid upon the table.

On motion of Mr. Hacklemam,

Resolved, That a Committee of three be appointed on the part of the House, to confer with a similar Committee on the part of the Council, to enquire into the propriety of so amending the law Districting the Territory into Electoral Districts, so as to entitle Muscatine and Johnson to but one member in the Council; and that said Committee report by bill or otherwise.

Messrs. Hackleman, Nowlin, and Wilson, were appointed said Committee.

On motion of Mr. Grimes,

Resolved, That there be appointed a Standing Committee on the Library.

Messrs. Walworth, Foley, Nowlin, Mitchell, and Brophy were appointed said Committee.

On motion of Mr. Fay,

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of amending the Revenue Law, so that

1st. A re valuation of the real estate in each county shall be made by the Township or precinct Assessors, in the year 1844.

2d. Said valuation to be made without including the improvements existing upon such real estate.

3d. The Board of County Commissioners, or competent persons appointed by them, to act as a Board Equalization.

4th. The Clerk of the Board of County Commissioners may be allowed more than twenty days to make out his duplicate of the assessment rolls.

5th. To abolish the office of collector, and make the County Treasurer Collector, and provide for his meeting the residents, in each township, at the usual place of holding elections, upon a given day, to receive taxes.

On motion of Mr. Thompson,

Ordered, That the ladies be permitted to take seats within the Bar of this House at pleasure, and that the Sergeant-at-Arms, be instructed to furnish seats for their accommodation.

On motion of Mr. Nowlin,

Ordered, That the Chief Clerk furnish each member of this House with a copy of the Local Laws, passed at the last session.

Mr. Hebard, from the Committee on Enrolled Bills, reported "An Act to incorporate the Aspen Grove Cemetery Association," as correctly enrolled."

The Speaker then signed said Act.

Mr. Wilson, from the Committee on Roads and Highways, to whom was referred the petition of sundry citizens of Washington county, praying for the re-location of a portion of the Territorial Road leading from Washington to Burlington, reported, that it is inexpedient to grant the prayer of said petitioners, inasmuch as by a law passed by the Legislative Assembly, at its last session, the power to re-locate

Roads, &c., has been delegated to the Board of Commissioners in the different counties.

On motion,

Ordered, That the report be adopted, and that the Committee be discharged from the further consideration of the subject.

Mr. Robb, in accordance with notice given on yesterday, and on leave being granted, introduced

No. 5, H. R. File, "A Bill to authorize Sheriffs to make deeds for lands heretofore sold for the non-payment of taxes," which was read a first time.

The Speaker laid before the House the Report of the Territorial Agent, which was read.

On motion of Mr. Robb,

Ordered, That 240 copies of the Report be printed.

No. 1. C. F. "A Bill to locate a Territorial Road therein named, was read a second time.

On motion of Mr. Culbertson,

Ordered, That the Bill be read a third time on to-morrow.

No. 4, H. R. File, "A Bill to provide for the appointment of Collectors in certain cases," was read a second time.

A motion was made by Mr. Hackleman, that said Bill do lie upon the table; which passed in the negative.

On motion of Mr. Nowlin,

Ordered, That said Bill be referred to a Committee of the whole House, and be made the special order of the day on to-morrow.

Mr. Foley gave notice, that he would ask leave, on Monday next, to introduce a Joint Resolution, as a testimony of respect to the memory of the Hon. LEWIS F. LINN, late a Senator of the State of Missiouri.

On motion,

Ordered, That this House do now adjourn until to-morrow morning at 10 o'clock.

Thursday Morning, December 14, 1843.

Mr. Baker, presented the petition of 180 citizens of Washington, Keokuk, and Mahaska counties, praying for the location of a Territorial road, from Brighton in Washington county to the Garrison at the Raccoon Fork, of the Des Moimes river. Said petition was, on motion of Mr. Baker, referred to the Committee on Roads and Highways.

Mr. Smyth, presented the petition of 28 citizens of Cedar county, praying that the bonds of matrimony, now existing between James Baxley and Susan his wife, may be dissolved. Said petition was laid upon the table.

Mr. Grimes, presented the petition, of John Prugh, praying that the Bonds of matrimony now existing, between him and his wife Georgiana, may be dissolved.

Mr. Brierly, presented the petition of H. D. Britton, praying that the bonds of matrimony now existing between him and his wife Sarah Louisa, may be dissolved.

Also, the petition of John Bishop, praying that the bonds of matrimony, now existing between him and his wife Mary, may be dissolved.

Also, the petition of Albert Clemente, praying that the bonds of matrimony now existing between him and his wife Adah, may be dissolved.

On motion,

Ordered, That said petitions, be referred to the Committeé on the Judiciary.

Mr. McCleary offered the following;

Resolved, (the Council concurring herein,) That the two Houses, will adjourn on Thursday the 21st inst., until the first day of January, 1844. Which passed in the affirmative. Yeas 14, Nays 11.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messs. Baker, Brierly, Culbertson, Foley, Hebard, Mitchell, M'Cleary, Nowlin, Robb, Roberts, Rogers, Thompson, Wilson, and Wright.

Those who voted in the negative are,

Messrs. Bonney, Borland, Brophy, Fay, Grimes, Hackleman, Johnson, Smyth, Steele, Walworth, and Carleton, [Speaker.)

On motion of Mr. Bonney,

Resolved, That the Committee on the Judiciary, be instructed to enquire into the expediency, of passing an Act, authorizing the clerks of the boards of Commissioners, to administer oaths, and acknowledge deeds.

On motion of Mr. Walworth,

Resolved, (the Council concurring herein,) That the following be added to, and made one of the joint rules, regulattng the intercourse between the two Houses; to wit:

"All messages, reports, or other documents, presented to either branch, of this Assembly, for general information, and ordered to be printed by such branch, shall, when printed, be for the use of both branches.

"It shall be the duty, of the Chief Clerk of the House, or the Secretary of the Council, when any such document is ordered to be printed, in their respective branches, forthwith, to communicate such order to the other branch, so that the same order, may not be made in both branches."

Mr. Mitchell gave notice, that he would on to-morrow, or some subsequent day, ask leave to introduce a Bill, to be entitled "An Act providing for and regulating writs of Error *coram nobis*.

Mr. Brierly, from the select Committee, to whom was referred the petition of Daniel C. Davis, No. 6, H. R. file, "A Bill to authorize Daniel C. Davis, of the county of Lee, his heirs and assigns to establish and keep a Ferry, across the Mississippi river, at the town of Montrose;" which was read a first time.

Mr. Bonney, in accordance with previous notice, and on leave being granted, introduced No. 7, H. R. file, "A bill to change the time of holding the General Election," which was read a first time.

No. 4, H. R. file, "A bill, to provide for the appointment of collectors in certain cases, being the order of the day, the House resolved itself into a Committee of the whole House, upon said bill.

And after sometime spent therein, Mr. Speaker resumed the chair, and Mr. Baker reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same to the House with an amendment.

The House concurred in the amendment of the committee.

On motion of Mr. Rogers,

Ordered, That the Bill be engrossed, and read a third time to-morrow.

No. 5, H. R. file, "A Bill, to authorize Sheriffs to sell Lands for for non-payment of taxes;" was read a second time.

On motion,

Ordered, That said Bill, be referred to the Committee on the Judiciary.

No. 1, C. file "A Bill to locate a Territorial Road therein named;" was read a third time and passed and the title therof amended.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Bonney,

Ordered, That the petition of Wm. Wetherbee, praying for a divorce, be taken from the table, and be referred to the Committee on the Judiciary.

On motion of Mr. Smyth,

Ordered, That the petition of citizens of Cedar county praying that James Baxley be divorced from his wife Susan, be taken from the table, and referred to the Committee on the Judiciary.

On motion of Mr. Rogers,

Ordered, That this House do now adjourn until to-morrow morning at 10 o'clock.

Friday Morning, December 15, 1843.

Mr. Walworth presented the petition of Wm. Hutton, Clerk of the Board of Commissioners of Jones county, praying that the Legislative Assembly would enquire into the reasons why the Laws of the last session were not distributed according to law.

Said petition was, on motion of Mr. Rogers, referred to the delegation, from Cedar, Linn, and Jones.

On motion of Mr. McCleary,

Resolved, That the Committee on Agriculture be instructed to enquire into the expediency of encouraging the breed of Sheep, by prohibiting Rams from running at large at certain seasons of the year, and report by bill or otherwise.

Mr. Thompson, from the Committee on the Judicary, to whom was referred a resolution, instructing said Committee to enquire into the expediency of passing an act authorizing the Clerks of the boards of Commissioners to administer oaths, and to take the acknowledments of deeds, reported, that the Committee had had said resolution under consideration, and that they are of opinion that the passage of such a law would be inexpedient.

The Committee find, that by the 21st section of an act organizing a Board of County Commissioners in each county, approved, February 15th, 1843, the Clerk of the Board of County Commissioners shall have the power to appoint a Deputy, whose acts he shall be responsible for, and to administer all oaths necessary in the discharge of the duties of his office.

This, your Committee think, is sufficient, as it is an office not possessed of any Judicial powers whatever.

Your Committee are further of the opinion, that a law authorizing them to take the acknowledgment of Deeds, would be at once unnecessary, unprecedented, and inexpedient.

It would be unnecessary, because there are Judicial officers already empowered sufficient for the acknowledgment of Deeds—unprecedented, because it is a power not usually granted to officers not possessed of Judicial powers—and inexpedient, because there is no legitimate officer having the power, either by law, or common consent, of certifying to his official character, and that his certificate is in due form.

Your Committee, therefore recommend the adoption of the following resolution:

Resolved, That it is inexpedient to pass a law, extending the power of the Clerks of the Boards of County Commissioners, in regard to administering oaths, and empowering them to take the acknowledgement of Deeds.

On motion,

Ordered, That said resolution be adopted.

No. 6, H. R. File, "A Bill to authorize Daniel C. Davis to keep a Ferry across the Mississippi river at the town of Montrose," was read a second time.

On motion of Mr. Brierly,

Ordered, That said bill be re-committed to the Select Committee by whom it was reported.

No. 7, H. R. File, "A Bill to change the time of holding the General Elections," was read a second time.

On motion of Mr. Rogers,

Ordered, That said bill be referred to a Committee of the whole House, and be made the special order of the day on the fourth of January next.

No. 4. H. R. File, "A Bill to provide for the appointment of Collectors in certain cases," was read a third time, passed, and the title thereto amended.

Ordered, That the Clerk acquaint the Council therewith.

No. 1, H. R. File, "A Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same," being the order of the day,

The House resolved itself into a Committee of the whole House upon said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Foley reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

The House then agreed to the amendments made by the Committee.

A motion was made by Mr. Rogers,

That the Bill be engrossed and read a third time to-morrow;

When Mr. Nowlin offered the following:

"Whereas, information has been received, that there are now in circulation in the counties of Dubuque, Jackson, &c., Memorials to the Legislature, relative to the Dubuque Bank: Therefore,

Resolved, That Bill No. 1, H. R. File, "A Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same," be laid on the table until the 2d day of January next.

Which motion, having the precedence, was put, and passed in the affirmative. Yeas 13—Nays 12.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brierly. Brophy, Foley, Grimes, Hebard, Mitchell, Nowlin, Robb, Roberts, Steele, Walworth, Wilson, and Carleton, Speaker.

Those who voted in the negative are,

Messrs. Baker, Bonney, Borland, Culbertson, Fay, Hackleman, Johnson, McCleary, Rogers, Smyth, Thompson, and Wright.

Mr. Baker, in accordance with previous notice, and on leave being granted, introduced

No. 8, H. R. File, "A Bill for an act to organize the county of Keokuk," which was read a first time.

A motion was made by Mr. Bonney, that forty copies of said Bill be printed; which was decided in the negative.

Mr. McCleary, in accordance with previous notice, and on leave being granted, introduced

No. 9, H. R. File, "A Bill to legalize the acts of Isaac Parsons, a justice of the peace of Jefferson Township, in Louisa county," which was read a first time.

On motion of Mr. Grimes,

Ordered, That the House do now adjourn until to-morrow morning at 10 o'clock

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Saturday Morning, December 16, 1843.

Mr. Nowlin gave notice, that he would on some future day, ask leave to introduce A Bill to enable the settlers on public lands, to recover the value of their improvements, where their claims are entered without their consent.

On motion of Mr. Fay,

Ordered, That the Committee on the Judiciary, be instructed to enquire into the Expediency, of so amending the 6th section of the act, to provide for the election of justices of the peace, as that, it may provide, for the election of the justices of the peace in Bloomington Township.

Mr. Brophy gave notice, that he would on some future day, ask leave to introduce a A Bill for an act, to legalize the acknowledgment of Deeds, taken under an act, to regulate conveyances, approved Jan. 4th. 1840.

Mr. Brierly, from the select Committee to whom was re-committed No. 6, H. R. File, "A Bill to authorize Daniel C. Davis, to keep a Ferry across the Mississippi river, at the town of Montrose," reported the same back to the House, with amendments.

The Speaker, laid before the House, the Annual Report of the Auditor of Public Accounts; which was read at the clerk's table.

A motion was made by Mr, Robb, that, 480 copies be printed, which passed in the affirmative. Yeas 13, Nays 12.

The yeas and nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Grimes, McCleary, Robb, Roberts, Smyth, Thompson, and Carleton, Speaker.

Those who voted in the negative are,

Messrs. Brophy, Foley, Hackleman, Hebard, Johnson, Mitchell,

Nowlin, Rogers, Steele, Walworth, Wilson, and Wright.

A Message from the Council, by Mr. Wallace, their Secretary.

Mr. Speaker:

The Council have adopted the Joint rules, reported by the Committee, appointed to prepare the same, and have appointed Messrs. Elbert and Leffler, a Committee on Enrolled Bills, on the part of the Council.

The Council have concurred in the resolution, providing an additional Joint Rule, regulating the intercourse between the two Houses, and have concurred in the amendment made by the House to

No. 1. C. F. "A Bill to locate a Territorial Road therein named.'

I herewith return,

An Act to incorporate the incorporate the Aspen Grove Cemetery Association. The same having been signed by the President of the Council.

I herewith present for your signature.

An Act to locate a Territorial Road, from Farmington, in Van Buren county, to Autumwa, in Wapello county.

The Council have passed,

No. 4, C. File, "A Bill to amend an act, entitled an act to authorize Thomas McCrany, and James Churchman, to keep a Ferry across the Mississippi river, at or near the upper end of the City of Dubuque.'

And he then withdrew.

The Speaker then signed the act locating a Territorial road from Farmington to Autumwa.

The Speaker laid before the House the Report of the Territorial Treasurer, which was read at the clerk's table.

A motion was made by Mr. Robb, that 240 copies of the Report be printed which passed in the negative. The report was then laid upon the table.

The Speaker also laid before the House, the following letter. from the Territorial Treasurer.

Treasurer's Office, Iowa.
Iowa City, Dec. 16th 1843.

To the Honorable, the House of Representatives of the Territory of Iowa

Gents: I regret that I do not possess sufficient data, from which a report could be made, that would fully comply with your resolution, of the 8th inst., requiring the Territorial Treasurer, to report the condition of the Treasury, &c. All the facts within my possession, upon the subject, I have reported to the Auditor of Public accounts, who will report the same to your honorable body.

I am, very respectfully,
Your obedient servant,
M. RENO,
Territorial Treasurer.

No. 6, H. R. File, "A Bill to authorize Daniel C. Davis, to keep a Ferry across the Mississippi river, at the town of Montrose, as amended by the select Committee, was read a second time. The amendments of the Committee were concurred in.

A motion was made by Mr. Brierly, that the Bill be engrossed and read a third time on Monday next.

A motion was made by Mr. Rogers that the further consideration of the Bill be indefinitely postponed, which passed in the negative.

The question then recurred on the motion of Mr. Brierly, that the Bill be engrossed and read a third on Monday, which passed in the affirmative.

No. 8, H. R. File, "A Bill to organize the county of Keokuk," was read a second time.

On motion of Mr. Rogers,

Ordered, That said Bill be laid on the table until Monday next.

No. 9, H. R. File, "A Bill to legalize the Acts of Isaac Parsons, a Justice of the Peace of Jefferson Township, in Louisa county," was read a second time.

On motion of Mr. McCleary,

The bill was referred to the delegation from the county of Louisa.

No. 4, C. File, "A Bill to amend an Act entitled an Act, to authorize Thomas McCraney and James Churchman, to keep a Ferry across the Mississippi river, at or near the upper end of the city of Dubuque," was read a first time.

Mr. Mitchell, according to previous notice, and on leave being granted, introduced No. 10, H. R. File, "A Bill to provide for, and regulate writs of Error *coram nobis*," which was read a first time.

A Message from the Council, by Mr. Wallace, their Secretary.

Mr. SPEAKER:

The Council have passed,

No. 4, H. R. file, "A Bill to amend an act, to provide for the assessment and collection of county and Territorial revenue; and

Have appointed Messrs. Harris, Wallace and Cox, a Committee on the part of the Council, to act with a similar Committee, appointed on the part of the House, to enquire into the propriety of so amending the Law, districting the Territory in Electoral districts, so that the counties of Muscatine and Johnson shall have but one member of the Council.

And then he withdrew.

On motion of Mr. Brierly,

Ordered, That this House do now adjourn until to-morrow morning at 10 o'clock.

Monday Morning, December 18, 1843.

Mr. Brophy presented the petition of 196 citizens of Clinton county, remonstrating against a removal of the Seat of Justice of said county.

On motion of Mr. Brophy,

Ordered, That said petition be referred to the Committee on Township and County Boundaries.

Mr. Grimes gave notice, that he would, on some future day, introduce "A Bill to organize Townships, and to define the powers and duties of Township officers."

Mr. Steele gave notice, that he would, on to-morrow, or some day thereafter, introduce

A Bill to legalize the acts of John A. Drake and Samuel B. Ayres, Justices of the Peace of Lee county.

Also—A Bill to legalize the acts of John Walters, as Constable of Lee county.

Mr. Bonney gave notice, that he would, on some future day, ask leave to introduce

A Bill to organize the county of Davis.

Mr. Walworth, from the Committee on Engrossed Bills, reported

No. 6, H. R. file, "A Bill to authorize Daniel C. Davis to keep a Ferry across the Mississippi river, at the town of Montrose," as correctly engrossed.

Mr. Grimes, from the Committee on the Judiciary, reported

No. 11, H. R. File, "A Bill to provide for assessing and collecting public Revenue," which was read a first time.

A motion was made by Mr. Thompson, that 240 copies of the Bill be printed.

A motion was made by Mr. Hebard, to strike out 240, and insert 40; which passed in the negative.

The question then recurred on the motion of Mr. Thompson, that 240 copies of the Bill be printed; and passed in the affirmative.

A message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER.

I am directed to inform the House, that the Council have concurred in the resolution of the House, providing for the adjournment of the two Houses, on Thursday the 21st inst., until the first day of January, 1844.

And then he withdrew.

Mr. Hebard, from the Committee on Enrolled Bills, reported.

No. 4, H. R. File, "An Act to amend an act entitled An Act to provide for the assessment and collection of County and Territorial Revenue," as correctly enrolled.

The Speaker then signed the said act.

No. 8, H. R. "A Billl to organize the county of Keokuk," was read a second time.

On motion of Mr. Rogers,

Ordered, That said bill be referred to the delegations from the counties of Washington, Van Buren, and Jefferson.

No. 10, H. R. File, "A Bill to provide for, and regulate Writs of Error, *coram nobis*," was read a second time.

On motion of Mr. Mitchell,

Ordered, That said Bill be referred to the Committee on the Judiciary.

No. 4, C. F. "A Bill to amend an act entitled an act, to authorize Thomas McCraney and James Churchman, to keep a Ferry across the Mississippi river, at or near the upper end of the city of Dubuque," was read a second time.

Ordered, That said bill be read a third time on to-morrow.

No. 6, H. R. File, "A Bill to authorize Daniel C. Davis to keep a Ferry at Montrose," was read a third time; and, after debate,

A motion was made by Mr. Brierly, that the Bill be laid on the table, subject to the order of the House; which was decided in the affirmative.

Mr. Foley, on leave being granted, introduced

No. 12, H. R. File, "Joint Resolutions, in testimony of respect of the late LEWIS F. LINN, late a Senator of the State of Missouri," which were read a first time.

On motion of Mr. Steele,

Ordered, That the House do now adjourn, until to-morrow morning at 10 o'clock.

Tuesday Morning, December 19, 1843.

The Speaker presented the petition of Malcolm Murray, praying payment of the amount of Scrip held by him, issued by the Territorial Agent; also, praying back interest upon the sum of three thousand five hundred dollars, from the first day of December, 1841, up to the date of a certain certificate, drawn by the Territorial Agent, in favor of Murray and Sanxy.

On motion of Mr. Speaker,

Ordered, That said petition be referred to the Committee on Territorial Affairs.

Mr. Culbertson gave notice, that he would, on some future day, during the session, ask leave to introduce

"A Bill to organize the county of Wapello."

Mr. Hackleman, from the Joint Committee to whom was referred "A Resolution, enquiring into the propriety of so amending the law, Districting the Territory, so as to give but one member to the Council in the counties of Muscatine and Johnson, reported, that they have had the same under consideration, that the Committee had come to the conclusion, that it was designed and understood, by the Legislative Assembly, that said counties should be entitled to but one member of the Council.

The Committee therefore reported

No. 13, H. R. File, "A Bill to amend an act entitled An Act, Districting the Territory into Electoral Districts;" which was read a first time.

Mr. Hebard, from the Joint Committee on Enrolled Bills, reported, that they did, on the 18th of December, present to the Governor, for his signature, "An Act to incorporate the Aspen Grove Cemetery Association."

Mr. McCleary, from the Select Committee, to whom was referred

No. 9, H. R. File, "A Bill to legalize the acts of Isaac Parsons, a Justice of the Peace of Jefferson Township, in Louisa county, reported the same back to the House with amendments.

On motion of Mr. Grimes,

Ordered, That the 42d rule be suspended, and the bill be read a second time now.

The bill was then read a second time; and,

On motion of Mr. McCleary,

Ordered, That the bill be engrossed, and read a third time on to-morrow.

No. 12, H. R. File, "Joint Resolutions, in testimony of respect to the memory of LEWIS F. LINN, late a Senator of the State of Missouri," were read a second time.

On motion of Mr. Foley,

Ordered, That the Resolutions be engrossed, and read a third time on to-morrow.

No. 4, C. F. "A Bill to amend an act, entitled An Act, to authorize Thomas McCraney and James Churchman to keep a Ferry across the Mississippi river, at or near the upper end of the city of Dubuque," was read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewtth.

On motion of Mr. Brierly,

Ordered, That No. 6, H. R. File, "A Bill to authorize Daniel C. Davis to keep a Ferry at Montrose, in Lee county," be taken from the table.

The Bill was then read a third time, and passed.

Yeas 15—Nays 9.

The yeas and nays being desired by two members.

Those who voted in the affirmative are,

Messrs. Brierly, Foley, Grimes, Hackleman, Hebard, Mitchell, McCleary, Nowlin, Robb, Roberts, Steele, Walworth, Wilson, Wright, and Carleton, Speaker.

Those who voted in the negative are,

Messrs. Bonney, Borland, Brophy, Culberston, Fay, Johnson, Rogers, Smyth, and Thompson.

So the Bill passed.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Mitchell,

Ordered, That the petition of citizens of Scott county, praying an amendment of so much of the Revenue Law as relates to the powers

and duties of Assessors, be taken from the table, and referred to the Committee on the Judiciary.

On motion of Mr. Fay,

Ordered, That the Report of the Territorial Treasurer be taken from the table.

On motion of Mr. Rogers,

Ordered, That the Report be referred to the Committee on Finance.

On motion of Mr. Brophy,

Ordered, That the petition of citizens of Clinton county, praying the re-location of the Seat of Justice of said county, be taken from the table, and referred to the Committee on Township and County Boundaries.

Mr. Fay, on leave being granted, introduced

No. 14, H. R. File, "A Bill to repeal the Militia Laws."

Mr. Brophy, on leave being granted, introduced

No. 15, H. R. File, "A Bill to legalize Deeds, and other instruments of writing.

Mr. Johnson, on leave being granted, introduced,

No. 16, H. R. File, "A Bill to amend certain Acts, relative to Roads and Highways."

Said Bills were severally read a first time.

On motion of Mr. Fay,

Ordered, That the House do now adjourn until to-morrow morning, 10 o'clock, A. M.

Wednesday Morning, December 20, 1843.

Mr. Johnson presented the petition of Temperance Avery, of Des Moines county, praying a divorce from her husband Warren Avery; which was read, and on motion of Mr. Johnson referred to the Committee on the Judiciary.

Mr. Grimes presented the petition of 49 citizens of Des Moines county, praying the repeal or modification of the existing "Valuation Law."

On motion of Mr. Grimes,

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. Mitchell presented the petition of 209 citizens of Scott county, praying an amendment of "An Act entitled an Act to incorporate the Scott County Hydraulic Company."

On motion of Mr. Mitchell,

Ordered, That said petition be referred to the Committee on Incorporations.

On motion of Mr. Wilson,

Resolved, That the Committee on Military Affairs, be instructed to enquire into the expediency of amending the Law for the organization and discipline of the Militia so that

1st. Company trainings in time of peace, to be dispensed with.

2nd. All able bodied citizens over the age of eighteen years, and under the age of forty five years, shall be kept regularly Enrolled.

3rd. The Infantry to be kept regularly organized and officered.

Mr. Walworth, from the Committee on Engrossed Bills, reported No. 9, H. R. File, "A Bill to legalize the Acts of Isaac Parsons, Coroner of Louisa county, and also an acting Justice of the Peace of Jefferson Township in said county."

Also No. 12, H. R. File, "Joint Resolutions, in Testimony of respect of the late LEWIS F. LINN of Missouri," as correctly Engrossed.

No. 13, H. R. File, "A Bill to amend an Act, entitled an act, districting the Territory into Electoral districts," was read a second time.

Ordered, That said Bill be engrossed, and read a third time on to-morrow.

No. 14, H. R. File, "A Bill to repeal the Militia Laws," was read a second time.

A motion was made by Mr. Fay, that said Bill, do lie upon the table, which passed in the negative.

On motion of Mr. Brophy,

Ordered, That said Bill be referred to the Committee on Military Affairs.

No. 15, H. R. File, "A Bill to legalize Deeds, and other instruments of writing," was read a second time.

On motion of Mr. Brophy,

Ordered, That said Bill be referred to the Committee on the Judiciary.

No. 16, H. R. File, "A Bill to amend certain acts, relating to Roads and Highways;" was read a second time.

On motion of Mr. Rogers,

Ordered, That said Bill, be referred to the Committee on Roads and Highways.

No. 9, H. R. File, "A Bill to legalize the acts of Isaac Parsons, Coroner of Louisa county, also, an acting Justice of the peace of Jefferson Township, in said county," and,

No. 12, H. R. File, "Joint Resolutions in testimony of respect of the late LEWIS F. LINN of Missouri," were severally read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Fay,

Ordered, That the House adjourn until to-morrow morning at 10 o'clock.

Thursday Morning, December 21, 1843.

A call of the House was ordered, and the roll being called, all the members answered to their names, except Messrs. Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Hackleman, Hebard, Mitchell, McCleary, Nowlin, Roberts, Rogers, Smyth, Steele, and Wright.

The Sergeant-at-Arms was then directed to bring in the absentees.

After a short time, the Sergeant-at-Arms reported, that all the absentees had left the city, except Messrs. Borland, Mitchell, and Rogers —those gentlemen appearing.

A motion was made by Mr. Wilson, that the further proceedings in the call be dispensed with; which was decided in the negative. Then,

On motion,

The House adjourned until Monday the first day of January, 1844, in accordance with a resolution previously adopted by both Houses.

Monday Morning, January 1, 1844.

Mr. Thompson presented the petition of Joshua Bell, of Henry county, praying to be divorced from his wife, Almina Bell; which was read, and,

On motion of Mr. Thompson,

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. Culbertson presented the petition of William Williams, of Jefferson county, praying to be divorced from his wife, Nancy Williams.

On motion of Mr. Culbertson,

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. Bonney presented the credentials of James M. Wray, member elect from the county of Van Buren, who was,

On motion of Mr. Bonney,

Sworn, and permitted to take his seat as a member of the House.

Mr. Thompson presented the petition of 52 citizens of the counties of Henry and Jefferson, praying the location of a Territorial Road, from the ford on Skunk river, at Wilson's Mill, to intersect the Road running from Fort Madison to Fairfield; said road to run via Glasgow, in Round Prairie.

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Thompson also presented the petition of Aaron Street, Jr., a citizen of Salem, in Henry county, administrator of the estate of Peter Boyer, deceased, praying the passage of a law, to authorize him to convey and make titles to certain lands, which belong to the estate of said deceased.

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. Steele presented the petition of Lewis Pitman, George Wolf, and twenty other citizens of Lee county, praying for the re-location of a portion of the Territorial Road, running from Fort Madison to West Point

Said petition was referred to the Committee on Roads and Highways.

Mr. Bonney presented the petition of 62 citizens of Davis county, praying the location of a Territoral Road from Iowaville, to intersect the road running from Fairfield to the Missouri line; which was referred to the Committee on Roads and Highways.

Mr. Wilson presented the petition of 15 citizens of Henry county, praying the location of a Territorial Road from Mount Pleasant, in Henry county, via Wilson's Mills, on Skunk river, Watson's Mill, on Cedar Creek and Glasgow, in Jefferson county, to intersect the road running from Fort Madison to Fairfield; which was referred to the Committee on Roads and Highways.

Mr. Grimes presented the petition of 117 citizens of Des Moines county, praying for the repeal of so much of the law regulating the issuing and serving of Executions, as requires the property taken in execution to be appraised.

Said petition was referred to the Committee on the Judiciary.

Mr. Grimes presented a letter of instruction to the Des Moines delegation, signed by 1172 citizens of said county, instructing said delegation to vote for the passage of a law, compelling the Miners' Bank of Dubuque to resume specie payment within 30 days, and in case of refusal to authorize the Judge of the District Court to appoint Commissioners to wind up the affairs of the Bank.

A question of order was raised by Mr. Hackleman, on the reception of the letter, inasmuch as the instructions were not addressed to the Legislative Assembly, but simply to the delegation from Des Moines county.

The Speaker decided that the instructions could not be received by the House, for the reason that the letter was addressed to the delegation from Des Moines county only, and not to the House, neither to the Legislative Assembly.

Mr. Johnson presented the petition of 96 citizens of Des Moines county praying the Legislative Assembly to pass a law to repeal the charter of the Miners' Bank of Dubuque, or to compel the Stockholders of said Bank to pledge real estate to secure the payment of the notes issued, or to be issued by said Bank.

The petition was laid upon the table.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

I am directed to inform the House, that the Council have ordered 480 copies of an abstract of the Territorial Treasurer's Report to be printed for the use of the two Houses.

I herewith return

An Act to amend an Act, to provide for the assessment and collection of County and Territorial revenue.

The same being signed by the President of the Council.

The Council have passed

No. 6, H. R. File, An Act to authorize Daniel C. Davis to keep a Ferry, at Montrose, in Lee county; also,

No. 12, H. R. File, Joint Resolutions, in testimony of respect of the late LEWIS F. LINN, of Missouri.

Mr. Hebard gave notice that he would, at some future day, introduce

A Bill to incorporate the Trustees of the Congregational Church of Burlington

Mr. Johnson gave notice, that he would, on some future day, introduce a Bill relative to Mechanics' Liens, and for other purposes.

Mr. Thompson gave notice, that he would, on some future day, ask leave to introduce a Bill to amend an act entitled "An Act for the incorporation of the town of Mount Pleasant, in Henry county.

No. 13, H. R. "A Bill to amend an act entitled 'An Act, districting the Territory into Electoral Districts,'" was read a third time, passed, and its title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Baker,

Ordered, That the House do now adjourn until to-morrow, at 10 o'clock, A. M.

Tuesday Morning, January 2, 1844.

The Speaker stated, that when the letter of instructions from certain citizens of Des Moines county, was presented on yesterday, it was his opinion, at the time, that inasmuch as it was directed to the Representtives from Des Moines county only, and not the House, it was not in order for it to be received—upon further reflection, although not fully satisfied that his decision was incorrect, he thought it proper and right to reverse that decision for the following reasons.

1st. Because there is some analogy between the present case, and the case of the reception, by Congress, of instructions directed to members from particular states, by the Legislatures of the same.

2nd. And mainly because, the Speaker conceives it the safer course in cases of this kind, to leave the question of reception with the House.

Mr. Grimes again, presented the instructions of the citizens of Des Moines county relative to the Miners' Bank of Dubuque.

A motion was made by Mr. Grimes that the instruction be received by the House, and laid upon the table.

Which passed in the affirmative Yeas 20.

The Yeas and Nays being demanded by two members,

All the members present voted in the affirmative.

Mr. Bonney presented the petition of 125 citizens of Davis county, praying for the organization of said county and the location of the seat of Justice thereof.

On motion of Mr. Bonney,

Ordered, That said petition be referred to the delegation from Van Buren county.

Mr. Fay presented the petition of 140 citizens of Muscatine county, praying for a charter, to erect a Dam, at the head of the Muscatine Slough.

On motion of Mr. Fay.

Ordered, That said petition be referred to a select Committe composed of the delegations from Muscatine and Louisia counties.

Mr. Hackleman presented the communication of Jonathan Eads, to the Des Moines delegation, which was read and

On motion of Mr. Rogers,

Ordered, That the communication be referred to the delegation from Des Moines county.

Mr. Brophy presented instructions from 173 citizens of Clinton county, instructing the Representatives from said county, to vote for the passage of a law, compelling the Miners' Bank of Dubuque to resume specie payment, on or before the first day of March next, or that the Bank be compelled to wind up its affairs.

On motion,

Ordered, That said instructions be laid upon the table.

Mr. Rogers presented the petition of 559 citizens, of the counties of Dubuque, Delaware and Clayton, praying that further time may be given to the Miners' Bank of Dubuque to resume specie payment.

On motion of Mr. Rogers,

Ordered, That the petition be referred to a select Committee composed of the delegation from Dubuque, Delaware and Clayton.

Mr. Brophy presented the petition of 103 citizens of Clinton county, praying the "Representatives of the people, (alias servants,) to repeal and alter the law now in existence, for the collection of debts so as to make no sum recoverable, under one hundred dollars, and that, before the District Court," also the names of 63 citizens of said county who are opposed to the passage of such a law.

The petition was laid on the table.

Mr. Smyth presented the petition of 20 citizens of Jones county

praying the passage of a law to legalize the acts of the Commissioners appointed in 1840 to run a road from Belview to Iowa City. Said petition was referred to the Committee on Roads and Highways.

Mr. Fay presented the petition of W. L. Smith of Muscatine county, praying to be divorced from his wife Susan F. Smith.

Ordered, That the petition be referred to the Committee on the Judiciary.

Mr. Smyth presented the petition of 23 citizens of Linn county, paying amendments to the existing Militia Laws.

Ordered, That said petition be referred to the Committee on Military Affairs.

Mr. Foley presented the instructions of 213 citizens of Jackson county instructing their Representative to use his exertions for the passage of a law, requiring the Miners' Bank of Dubuque to resume specie payments, within thirty days from the passage of such act, or to be compelled to wind up its affairs.

On motion,

Ordered, That said instructions be referred to the select Committee from the counties of Dubuque, Delaware and Clayton, and that the member from Jackson be added to said Committee.

On motion of Mr. Hackleman,

Resolved, That the Territorial Agent, be requested to make a communication to this House respecting the shipment of certain Locks, named in said Agent's Report, whether the same was made by the order of said Agent or by the order of Shawk's & Co.

Mr. Fay gave notice, that he would on to-morrow or some future day introduce "A Bill to amend an act to provide for changing the venue in civil and criminal cases."

Mr. Grimes, from the Committee on the Judiciary, to which was referred sundry petitions of persons praying to be divorced, made the following report:

The Committee on the Judiciary, to whom was referred the petitions of James Baxly, H. D. Britton, John Bishop, Albert Clemente, William Wetherbee, William L. Smith, Joshua Bell, William Williams, and John Prugh, praying to be divorced from their wives, and of Temperance Avery, praying to be divorced from her husband, Warren Avery, has had the same under consideration, and respectfully beg leave to report:

Your Committee has bestowed all the attention upon the prayers of the respective petititioners, which the delicacy and magnitude of the interests involved demanded, and other engagements would allow.

The enquiry which first naturally presented itself, was—Has this Legislature the power to grant divorces, admitting the necessary facts to be in evidence. And after mature consideration, we have unanimously come to the conclusion that it possesses no such power. In view of the number of petitioners, the course of past legislation, and the natural effects of precedents upon the action of future legislatures, your Committee has deemed it both proper and expedient to state

briefly to the House, the reasons that have led them to this conclusion.

All jurists unite in the opinion, that marriage is a civil contract, entered into for the happiness of the parties, and for the re-production of their species. It may be consummated, and perhaps generally is, with religious ceremonies, and by some denominations of christians, regarded as a divine ordinance, but it is nevertheless, in the eye of the law, a civil compact between the parties, conferring mutual rights and responsibilities which cannot be divested but by a judicial investigation and decision. The commentators upon the law abound in authorities upon this point, and as a doubt has been expressed by some members as to its correctness, your Committee will quote the language of some of the most popular and generally read authors.

Blackstone, in the 1st vol. 444th page of his Commentaries, holds the following language: "Our law considers marriage in no other light than as a civil contract—and taking it in this civil light, the law treats it as it does all other contracts, allowing it to be good and valid in all cases where the parties, at the time of making it, were in the first place willing to contract—secondly, able to contract, and lastly, actually did contract in the proper forms and solemnities required by law." Bacon terms it "a compact between a man and woman for the procreation and education of children." 5 Bacon's abr. 288.

It is, says Judge Reeve, in his work on the domestic relations, "a mere civil transaction, to be solemnized in such manner as the Legislature may direct." Reeve's Domestic Relations, 196.

It is defined in Rutherford's Institutes to be "a contract between a man and woman, in which, by their mutual consent, each acquires a right in the person and property of the other for the purpose of their mutual happiness, and for the production and education of children." Rutherford Just. 214.

Justice Story, in his Conflict of laws, is equally explicit upon this point, and indeed there seems to be but the one opinion among all the authors your Committeé have had an opportunity of examining. See, on this subject, Story's Conflict of laws 100, 2 Kentslom 86, Walker's Introduction 232, 323, Hilliard's Elements of Law, 14.

But aside from the authorities cited, marriage connot be regarded otherwise than as a contract upon gencral reasoning. It must be so from the very diffinition of the word contract. It is defined to be "a transaction between two or more persons, in which each party comes under an obligation to the other, and each reciprocally acquires a right to whatever is promised by the other." Justice Washington, in Dartm. College vs. Woodward 4, Wheat. 518, Powell on Contr. 6. It is a compact between two or more proper parties; contract based upon a consideration and consent. Fletcher vs. Peck, 6 Branch, 136. Marriage has all the essential ingredients of a contract of the highest grade —the proper parties—their consent, and a part execution. It has always been held to be a sufficient consideration for a contract—it vests in the husband a right to all the goods and chattles, and choses in action of the wife, and entitles him to the rents and occupation of her

lands. He becemes responsible for all her debts and contracts. He has a right to her person and companionship—and she is entitled to her support during his lifetime, and to dower in his real estate upon his decease. These are rights and responsibilities, created by law and the consent of the parties, which vest absolutely upon entering into the marriage compact.

Can this contract be extinguished by a Legislative enactment? Your Committee think not. First, because it would impair the obligation of the contract, and thus violate the 10th Sect. of the 1st article of the Constitution of the United States. Secondly, because it would interfere with and affect a private contract and engagement, and thus violate the 2d article of the Ordinance of 1787, the benefits of which are extended to the people of this Territory.

What is it to affect or impair the obligatton of a contract within the meaning of the clauses in the Constitution and Ordinance before referred to?

This question has been satisfactorily answered by the highest tribunal in our land, upon more than one occasion. In Green vs. Bidder, 8 Wheat. Rep. 1, the Supreme Court of the United States say, "that any deviation from the terms of the contract by postponing or accelerating the period of the performance which it prescribes, imposing conditions not expressed in the contract, or dispensing with the performance of those which are, however minute or immaterial in their effect upon the contract of the parties impairs its obligation." It is not necessary that the terms of the contract should be specifically agreed upon, and stated by the parties for, says Justice Story in Dartmouth College vs. Woodward, "the constitution did intend to preserve all the obligatory force of contracts, *which they have by the general principles of law*—4 Wheaton, Rep. 518. The same doctrine has been held by the same Court in Fletcher vs. Peck, 6 Branch Rep. 135; New Jersey vs. Wilson, 7 branch 164; Bronson vs. Kenzie Peter's Rep., by the Supreme Court of New York, in 7 John Rep. 477.

"Any law," says Judge Story "which enlarges, abridges or in any manner changes the intention of the parties resulting from the contract, necessarily impairs it. The manner or degree in which this change is affected, can in no respect influence the conclusion, for whether the law effects the validity, the construction, *the duration*, the *discharge* or the evidence of the contract, it impairs its obligation; *a fortiori*, a law which makes the contract *wholly invalid, or extinguishes* it, is a law impairing it."—3 Story's Com. 341.

Now an entire dissolution of marriage surely affects the *duration* of the marriage contract. It renders it in the words of the authors before cited "wholly invalid and extinguished." It has ceased, not upon the terms and by the means contemplated at the time of its consummation, but by the interference of the legislative authorities.

Thirdly, a legislative divorce, would be an attempt to exercise a judicial power, vested exclusively in the judicial tribunals by the organic law of this Territory.

In the argument of the celebrated case just cited, of the College vs. Woodward, it was asserted, and pressed as an argument by the counsel for the defendant that legislatures could grant divorces. In answer to this Justice Story remarks "as to the case of the contract of marriage which the argument supposes not to be within the reach of the prohibitory clause, because it is matter of civil institution, I profess not to feel the weight of the reason assigned for the execution. * * * A *general* law regulating divorces from the contract of marriage, like a law regulating remedies in other cases of breaches of contracts is not necessarily a law impairing the obligation of such a contract. * * * But if the argument means to assert, that the legislative power to dissolve such a contract without any breach on either side, against the wishes of the parties, *and without any judicial inquiry to ascertain a breach,* I certainly am not prepared to admit such a power, or that its exercise would not entrench upon the prohibition of the constitution. If, under the faith of existing laws a contract of marriage be duly solemnized, or a marriage settlement made, (and marriage is always in law a valuable consideration for a contract) it is not easy to perceive why a dissolution of its obligations may not fall within the prohibition, as any other contract for a valuable consideration. A man has just as good a right to his wife as to the property acquired under a marriage contract. He has a legal right to her society and her fortune, and to divert such right without his default and against his will, would be as flagrant a violation of justice as the confiscation of his own estate." Says Chancellor Kent "the question of divorce involves investigations which are properly of a judicial nature, and the jurisdiction over divorces ought to be confined exclusively to the judicial tribunals, under the limitations to be preserved by law."—2 Kent's Com. 105.

From this it must be inferred that a legislative divorce would not only violate the contract, but would be an encroachment upon the prerogatives of the judiciary, in whom, with us, all judicial power is vested. The duty and right of the legislature is to declare what the law should be, and their action is always presumed to precede the action upon which that law should operate. Their acts are always presumed to affect and operate upon conduct *in futuro.* The judiciary decide upon acts that have been committed, and are governed in their judgments by the law in force at the time of their commission. By granting a divorce, the legislature decides that one of the parties has failed to fulfil his contract; they pronounce a judgment upon a past contract which operates *in presenti,* without first deciding what shall be the causes for divorce or giving notice to the opposite party. Can this be other than an attempt to exercise judicial power? Would it not impair and affect the obligation of the contract, and violate the first principles of national right and justice?

Precedent is urged as authority for granting divorces. It is said that the most usual way in some States, and in others, the only way to obtain divorces is by legislative enactment, your Committee admit the fact stated, but deny the authority deduced from it. The Councils

and Legislatures of the American colonies, whilst under the dominion of Great Britain, were like the British Parliament, omnipotent so far as their legislation regulated or related to their municipal affairs, subject only to the ratification of the King and his Council. They exercised a judicial as well as a legislative authority, and now in most, if not in all, of the New England States Legislature is known both in the Statute book, and in common parlance as the "*general court.*" At the formation of the constitution, each State surrendered some of its power, as for example the right to pass *expost facto* laws, and laws imparing the obligation of contracts, but each retained all the attributes of sovereignty and omnipotence that were not expressly surrendered or vested in the General Government. Among the rights retained by the States was the power to establish such judicial tribunals as might be deemed necessary, to invest in them their jurisdiction and to regulate the internal policy of the State generally. Each State might confer jurisdiction of divorces and alimony upon such courts or persons as might be thought proper. In Massachusetts it is by the Constitution conferred upon the Government and Council, in some States upon the courts of chancery, and in others cognizance of them is retained by the legislature, but not until there has been a judcial investigation, as your Committee apprehends.

Fourthly. The petitioners have not brought themselves within the jurisdiction of any Territorial tribunal. We are aware that there is a very great conflict in the law in relation to this subject of jurisdiction, but so far as the cases of the petitioners are concerned there can be no doubt. The English courts have invariably held that the *lex loci contractus* prevailed in relation to marriage, and that a divorce could only be obtained from their courts and for the causes allowable by their laws. The decisions are numerous that an English marriage cannot be dissolved by a foreign Court. Ferguson on Marr. and Div. 183, 290. See cases cited in note to Story's conflict of laws, 180. In several of the United States, it has been decided that the *lex domicilii* governs, and that divorces can be obtained in foreign countries and States. But it seems to be an inflexible rule, that the parties must be residing in such foreign country with what the law terms the *animus remanendi.* The case of Jackson vs. Jackson, 1 Johns' Rep. 424, seems to be conclusive on this point.—There the marriage was solemnized in Conn.; the husband went to Vt. and obtained a divorce against his wife, who never resided there; it was held that the divorce was void, as a fraud upon the law of Conn. where the parties were married. It was further held, that there could be no jurisdiction over the case in Vt., *both* parties not being within the State.

It is well settled law that where a party obtains a divorce in a State to which he had removed for the express purpose of obtaining it, it is void. Jackson vs. Jackson, 1 Johns' Rep. 424; Hanover vs. Turner, 14 Mass. Rep. 227. So, also, a divorce was held to be null and void, obtained in another State by the husband when the wife resided out

of the State, and had no notice of the proceedings. Bardon vs. Fitch, 15 Johns' Rep. 121.

Now, admit that the Legislature can in some cases rightfully dissolve a marriage, and apply those principles of law to the cases before us, admit the facts alleged in the petitions are true and have been satisfactorily proved, could the petitioners then obtain divorces? Not one of them has shown notice to the party complained of, actual or constructive, not one has ever alleged that he is a citizen of the Territory, and all have shown that their marriages were solemnized in foreign States, and that all the delinquents but one are non-residents. No one can doubt but that a divorce obtained under such circumstances from either a Court or a Legislature, would be wholly nugatory and void. It would be a violation of the first principles of justices as well as law.

For the sake of showing the impropriety and futility of granting these divorces even if we had the power, your committee have admitted what does not really exist. No facts are in evidence before the committee or the House, nothing, but a bare statement purporting to come from one of the parties without even the sanction of a judicial oath, and for the want of evidence, if for no other reason, they ought not to be granted.

Fifthly. But there are, if possible, more weighty objections still—objections founded upon the utter inexpediency and futility of legislative action to dissolve the marriage tie. Every one who reflects for a moment, must concede that this is the most inappropriate place conceivable to bestow that care and attention which the importance of the subject demands. The functions of this body are purely legislative and not judicial. It is convened for the purpose of declaring what the law shall be and not whether it has been violated. It is limited in its session to a time, scarcely long enough for the proper discharge of our legitimate legislative duties. It is composed of two bodies and 39 members; none of whom profess to be able to examine the multifarious facts and legal questions which necessarily grow out of applications for divorce. We have none of the appliances and instruments of Courts of Justice to enable us to ascertain in a proper manner the true state of the facts—the truth or falsity of the statements of either party—or to settle questions of conflicting and contradictory evidence. We cannot know, nor inform ourselves of the respective relations, rights and duties of the parties—what was the condition of them when they became united—what property either of them then possessed—what settlements, if any, were made or what contracts were entered into in consideration of marriage.

We cannot know or ascertain their present condition—what amount of property either party may be possessed of—what is the number and what the wants of their children, nor can we determine in what manner the children should be disposed of and provided for, or what provision in the nature of alimony ought to be made for the wife or which

of the parties is the suitable person to have the custody of the children, and the care of their education.

Such are some of the questions which must be decided and settled in cases of divorce. Such are some of the relations, rights and duties which we are asked to investigate and dispose of—questions which we are utterly incapacitated by our constitutional organization, properly to scrutinize and understand.

With no light but the partial, highly-colored and perhaps unfounded complaints of one of the parties, and no guide but exparte testimony obtained perchance by fraud or corrupted by bribes, shall we assume upon ourselves to put an end to the most solemn of all earthly compacts—that which lies as the very foundation of all order and of all civilized institutions?

Shall we thus blindly and brutally sever the tenderest of all ties—break up and destroy whole families—turn the tender wife from the protection of him in whom she had garnered up all her hopes of happiness, and from whom she has an undoubted right to claim protection, support and a home? Shall we unhouse the offspring of every discontented parent and turn them upon the charity of the world, to grow up in ignorance and vice? Every friend of humanity answers no. Yet we hazard nothing in saying that such consequences may have ensued in every divorce heretofore granted by this body, and that such consequences may always ensue upon a legislative divorce.

Your committee think they hazard nothing in expressing the opinion that in nineteen out of twenty of the applications made for divorces, the whole difficulty has arisen from some trivial misunderstanding between the parties—some difference of tastes—some incompatibility of temper or some frivolous quarrel originating in passion and kept alive by stubbornness. The remedy of such should be sought only in the reformation of their own manners and conduct. Let them pursue the path of duty, exercising that meekness, patience and kindness, which our holy religion inculcates, and which they have at the altar solemnly pledged to each other, and we apprehend that they will never have occasion to apply to any tribunal for a divorce.

Your committee are far from believing that there are no good grounds for a divorce from the bonds of matrimony. We believe there are, and do not question but that a judicial tribunal would decree one to some of the applicants upon the proper testimony being made.—But we do believe that they should be granted only for the most substantial reasons; for we believe that nothing tends so strongly to corrupt the public morals—to undermine parental authority and to debase and vitiate conjugal affection as a loose system of granting divorces. Passion, interest and caprice will suggest daily motives for a dissolution of marriage, and the most tender and sacred of all human institutions will be degraded into a transient connexion of profit and pleasure. The enjoyment and transmission of property will be rendered insecure and in time the whole social and moral fabric of society subverted. We believe that christianity and the best interests of so-

ciety require that the connexion between husband and wife should be considered, as far as possible, indissoluble. We believe that where there are substantial causes for a divorce, it should be sought only from a judicial tribunal, where the parties interested can have an opportunity of appearing and being heard, and that it should then be granted only after the severest investigation and scrutiny.

We believe it particularly important that a correct tone of public sentiment should prevail upon this subject. As yet, with us precedent has not acquired the force of law. Society and law are somewhat in a chaotic state. They will soon take form, and their comeliness in no inconsiderable measure will depend upon the action of this Legislature. If it be once understood that the Legislature of this Territory after mature consideration has concluded that it is both legal and expedient to annul marriage contracts by legislation, the consequences will be baneful to the political as well as the social and moral condition of the people. Our legislature will become a kind of marital pool of Siloam where all the ills of matrimony will be washed away, where the lame and halt from all the States will seek relief from those bonds which they have voluntarily contracted, whenever that relief would be denied them at home, and thus not only a fraud be practiced and encouraged upon the other party and the laws of that State, but the time of the Legislature unprofitably squandered. Therefore,

Resolved, That the Legislative Assembly of this Territory is not invested with the power to grant divorces from the bonds of matrimony.

Resolved, That in the opinion of this House, admitting such power to exist, any special legislative action upon the subject of divorces would be highly inexpedient and improper.

Resolved, That the petitioners have leave to withdraw their petitions.

The question being taken on the adoption of the first resolution, it passed in the affirmative—Yeas 16, Nays 7.

The yeas and nays being desired by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Brophy, Culberston, Foley, Grimes, Hebard, Johnson, Robb, Roberts, Smyth, Steele, Thompson, Wilson, Wray, and Carleton, Speaker.

Those who voted in the negative are,

Messrs: Bonney, Borland, Fay, Hackleman, McCleary, Rogers, and Wright.

The question was then taken seperately, on the adoption of the second and third resolutions, and passed in the affirmative—all the members present voting therefor.

Mr. Hebard, from the Committee on Enrolled Bills, reported An Act to authorize Daniel C. Davis to keep a Ferry at Montrose, in Lee county, as correctly enrolled.

The Speaker then signed said Act.

Mr. Hebard, in accordance with notice given on yesterday, reported

No. 17, H. R. file, "A Bill to incorporate the Board of Trustees of the Congregational Church of Burlington."

Which was read a first time.

No. 1, H. R. File, "A Bill to repeal the Charter of the Miners' Bank, and to provide for winding up the affairs of the same," was read a second time.

On motion of Mr. Johnson,

Ordered, That the further consideration of the bill be postponed until Monday next.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

I am directed to present for your signature:

An Act to amend an act entitled An Act to authorize Thomas McCraney and James Churchman to keep a Ferry across the Mississippi river, at or near the upper end of the city of Dubuque.

The Council have passed

No. 9, H. R. File, "A Bill to legalize the acts of Isaac Parsons, coroner of Louisa county, and also an acting Justice of the Peace of Jefferson Township, in said county. Also,

No. 8, C. file "A Bill to amend an act entitled An Act to authorize R. M. G. Patterson to establish and keep a Ferry across the Mississippi river, at the mouth of the Nassau Slough.

In which the concurrence of the House is requested.

I herewith return

Joint Resolutions in testimony of respect to the late LEWIS F. LINN, of Missouri.

The same having been signed by the President of the Council.

And then he withdrew.

The Speaker signed the Act presented for his signature.

No. 3, H. R. File, "A Bill to authorize Hugh Boyle and Ralph Bissell to erect a dam across Skunk river, in Henry county," was read a second time.

A motion was made by Mr. Wilson, that the word "five" in the 22d line of the first section be stricken out and the word "four" inserted; to which the House agreed.

A motion was made by Mr. Steele, that the Bill be engrossed and read a third time on to-morrow; when

Mr. Baker made a motion, that the Bill do lie upon the table.

Which question having the precedence, was put, and decided in the affirmative.

No. 11, H. R. file, "A Bill to provide for assessing and collecting Public Revenue," was read a second time.

On motion of Mr. Rogers,

Ordered, That said Bill be referred to the Committee on Finance.

No. 8, C. File, "A Bill to amend an act entitled 'An Act to authorize Robert M. G. Patterson to establish and keep a Ferry across the Mississippi river, at the mouth of Nassau Slough," was read a first time.

Mr. Grimes, from the Committee on Incorporation, reported

No. 18, H. R. file, "A bill to amend an Act entitled An Act to incorporate the Scott County Hydraulic Company;" which was read a first time.

On motion of Mr. Johnson,

Ordered, That the House do now adjourn until to-morrow morning at 10 o'clock.

Wednesday Morning, January 3, 1844.

Mr. Foley presented the instructions of 96 citizens of Jackson county, instructing their Representative to use his exertions to procure the passage of a law, compelling the Miners' Bank of Dubuque, to resume speci payments by the first day of April next, or to wind up its affairs.

Mr. Foley also presented the instructions of 27 citizens of Jackson county, instructing their Representative to use his exertions to procure the passage of a Law, compelling the Miners' Bank of Dubuque to wind up its affairs by the first day of April next.

Ordered, That said instructions be referred to the select Committee composed of the delegations from Dubuque, Clayton, Delaware and Jackson counties.

Mr. Brierly presented the petition of 64 citizens of the town of Keokuk, in Lee county praying that a charter to keep a Ferry at said town, be granted to Doct. John O'Hara.

Ordered, That said petition be referred to the delegation from Lee county.

Mr. McCleary presented the petition of the heirs and administrator's of John Jones deceased and also of the Stockholders, of Grandview Seminary praying the passage of a law, authorizing the administrators of said Jones to make a deed to the Trustees of the Grandview seminary, for two lots of ground, in the town of Grandview in Louisa county.

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. Nowlin presented the petition of 44 citizens of the county of Delaware, praying for the Judicial Organization of said county.

Ordered, That said petition be referred to the delegation from Dubuque, Delaware and Clayton.

Mr. Hebard from the Committee on Enrolled Bills reported "an act to legalize the acts of Isaac Parsons, Coroner of Louisa county, and also an acting Justice of the peace of Jefferson Township in said county," as correctly enrolled.

Mr. Thompson from the Committee on the Judiciary, who were

instructed to enquire into the Expediency of so amending the present law of this Territory as to limit and confine Jurisdiction of Justices of the peace, and constables to the respective Townships in which they were or may hereafter be elected, made the following report.

By the sixteenth section of the first article of "an act to provide for the election of Justices of the Peace, to prescribe their powers and duties and to regulate their proceedings," approved Feb. 9th 1843, it is declared that, "the jurisdiction of Justices of the peace shall be co-extensive with their respective counties." And by the eighteenth section of the second article of the same Act it is declated that, "the authority of constables to serve process issued by Justices of the Peace, shall be co-extensive with the county in which they are elected." To these provisions there is no restriction, in the territorial extent of their jurisdiction, whatever. So whenever a Justice of the Peace gets an action brought before him, his jurisdiction is immediately extended to the county; and having a right to send his process into any part of the County, the Constable (or any Constable of the same County) has a right, and is compelled to go there and serve it.

It is true, that by the thirty first section of the first Article, it is directed that actions cognizable before a Justice of the Peace, instituted by *summons* or *warrant*, shall be brought before some Justice of the Township either, first—wherein the Defendant resides; or second—wherein the Plaintiff resides, or third—wherein the Defendant may be found. But this amounts to nothing more, when taken in connection with the former provisions, than a direction, that actions instituted in a certain manner, shall be brought, or located, in a certain specified part of the County; without any limitation or restriction of the jurisdiction previously granted.

If the direction contained in the thirty-first section, had not been given, it is plain that a creditor would have been permitted to sue his Debtor before any Justice in the County. It is equally plain that the places where the Creditor would most naturally and probably bring his suit, are the same specified in this direction, admitting this direction never to have been given. Indeed it is hard to conceive motives to induce a creditor, actuated by a laudable zeal to secure and facilitate the collection of his debts, to sue his debtor in any other than some of the places specified. The law, then in effect, remains precisely as the sixteenth section left it—extending the jurisdiction of Justices of the Peace and Constables virtually to the entire County.

Your Committee are of opinion therefore, that the thirty first section of the first Article, containing said direction ought to be repealed and assign this additional reason. The proceeding direction applies to actions instituted by Warrant as well as those by summons. Now it is evident that while this restriction to the three particular places speciged, leaves the creditor free to institute his suit by summons in the places most natural and probable, it precludes him from instituting an action by Warrant in any other than the places specified.

And it is equally evident that circumstances might, and do frequent-

ly occur, rendering it absolutely necessary that a warrant should be issued by a Justice of the Peace, and served by a Constable on the debtor without reference to his residing in the same Township with the Plaintiff or Defendant, or where the Defendant might chance to be found.

But, while your Committee are of opinion that the jurisdiction of Justices of the Peace and Constables in all actions instituted by warrants should extend to the entire County, they are equally of opinion that in all actions instituted by summons, their jurisdiction ought to be restricted to their Townships or precincts.

Your Committee are aware that there are objections made to this, by those who have large amounts of Debts standing out, and sometimes by incumbents of these offices who reside in the principal Towns and villages of our Territory. This is very natural. The objection of the former assumes that it is extremely hard for them, after having been kind enough to trust a man, to be necessitated to go to his own township to institute a suit against him. This is answered, first, by the fact that men in business rarely trust without first having ascertained whether they can collect without suing, and generally whether they can or not, they sell the accommodation at an allowance sufficient to indemnify them for collecting, and

Secondly, by the fact that so far from its being a hardship to the creditor, it is conceived to be to his real interest and advantage. The grand object of suing, is to facilitate and secure the payment of debts. It appears to your committee quite obvious, that a debtor sued in his own Township—in the immediate vicinity of his neighbors and friends, would be much more likely to secure the debt by taking the stay of execution or otherwise, than if sued in some other Township, remote from his friends and the means of security.

And a Judgement procured in the Township where the debtor resides, would be more promptly and efficiently executed than one obtained elsewhere; because, the officers charged with the execution, are necessarily more cognizant with the pecuniary circumstances of the debtor, and could watch for and obtain the means of satisfying it with greater certainty, than those of other Townships and other parts of the County. These considerations we think at least neutralize the objection.

The objections made by incumbents of office proceed entirely from selfishness without even the poor semblance of justice. We shall therefore not attempt an answer.

But, the principal reason that your Committee urge in favor of the proposed restriction, is, that any greater extension of Jurisdiction operates as a peculiar and unnecessary oppression to the unfortunate debtor.

It is true that this class of individuals is more numerous than that of creditors. Their rights are as dear to them as are those of the creditors to him—and they are as much to be shielded from oppression, as the creditor himself.

In a majority of cases, individuals permit themselves to be sued for what they owe, only from misfortune and necessity. And in most cases when individuals have been sued in other townships than the one in which they reside, the costs have been accumulated to double the amount of the debt sued for, and to more than quadruple their amount had the suit been instituted in the Township where the debtor resided. And this from necessity. For an officer who is not bound to the debtor by any of the ties that bind one resident of a Township to another—One neighbor to another, will seldom take much pains to put it in the power of the debtor to come forward without process, and pay the debt or confess judgement and save costs.

They will much more seldom remit any costs that may have accrued, which is frequently done in cases of great hardship brought in the debtor's Township, both by officers and witnesses, and with but very little hardship or inconvenience to themselves. But when officers have to travel all over the county in order to serve process; and when witnesses have to be dragged from one side of the county to the other, they must, they will be paid.

Your Committee think, that all costs unnecessarily accumulated and expended, are that much clear loss to the community.

Therefore they are of opinion, that the law, as it now stands, is unjust to the creditor, oppressive to the debtor, and contrary to good policy;—it should be altered, so as to confine the jurisdiction of Justices of the Peace and Constables, in all actions commenced by summons only, to their respective Township, and to extend their jurisdiction in all actions commenced by warrants to the entire county; and for that purpose beg leave to report the following entitled bill:

No. 19, H. R. File, "A Bill to confine the jurisdiction of Justices of the Peace and Constables, in certain cases, to their own Townships, and amendatory of an act entitled An Act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings," approved Feb. 9th, 1843.

Which was read a first time.

On motion of Mr. Robb,

Ordered, That 50 copies be printed.

No. 8, C. F. "A Bill to amend an act entitled An Act to authorize Robert M. G. Patterson to establish and keep a Ferry across the Mississippi river, at the mouth of Nassau Slough, was read a second time.

On motion of Mr. Brierly,

Ordered, That said Bill do lie upon the table.

No. 17, H. R. File, "An Act to incorporate the Board of Trustees of the Congregational Church of Burlington," was read a second time.

A motion was made by Mr. Johnson, that the word "ten" in the last line of the first section be stricken out, and the word "fifteen" inserted.

Which was agreed to.

A motion was made by Mr. Baker, that the bill do lie upon the table.

Which passed in the negative.

Yeas 13, Nays 13.

The yeas and nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, McCleary, Rogers, Smyth, and Wray.

Those who voted in the negative are,

Messrs. Grimes, Hebard, Johnson, Mitchell, Nowlin, Robb, Roberts, Steele, Thompson, Walworth, Wilson, Wright, and Carleton, Speaker.

So the Bill was not laid upon the table.

A motion was made by Mr. Hebard, that the bill be engrossed, and read a third time on to-morrow; which passed in the affimative.

Yeas 16, Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brierly. Culbertson, Grimes, Hebard, Johnson, Mitchell, Nowlin, Robb, Roberts, Smyth, Steele, Thompson, Walworth, Wilson, Wright, and Carleton, Speaker.

Those who voted in the negative are,

Messrs. Baker, Bonney, Borland, Brophy, Fay, Foley, Hackleman, McCleary, Rogers, and Wray.

No. 18, H. R. File, "A Bill to amend an act entitled An Act to incorporate the Scott County Hydraulic Company," was read a second time.

A motion was made by Mr. Rogers, that the enacting clause of the Bill be stricken out.

During the pendency of which question,

On motion of Mr. Robb,

Ordered, That this House do now adjourn until to-morrow morning at 10 o'clock.

Thursday Morning, January 4, 1844.

Mr. Johnson gave notice, that he would, on some future day, ask leave to introduce

"A Bill to incorporate the Burlington Mechanics' Institute."

Mr. Bonney gave notice, that he would, on to-morrow, ask leave to introduce

"A Bill for the relief of Thomas Summerline Collector for Van Buren county."

Mr. Bonney also gave notice, that he would, on some future day, introduce

"A Bill to incorporate an Academy and High School in the town of Farmington."

Mr. Walworth, from the Committee on Engrossed Bills, reported No. 17, H. R. file, "An Act to incorporate the Board of Trustees of the Congregational Church of Burlington," as correctly engrossed.

Mr. Hebard, from the Joint Committee on Enrolled Bills, reported That the Committee did, on the 3d inst., present to the Governor, for his approval, "An act to amend an act entitled An Act to provide for the assessment and collection of County and Territorial revenue;" also, Joint Resolutions, in testimony of respect to the late LEWIS F. LINN, of Missouri.

No. 7, H. R. File, "An Act to change the time of holding the General Elections," was read a second time, and, according to a previous order,

The House resolved itself into a Committee of the whole House upon said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Hackleman reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same to the House with an amendment. The amendment was concurred in.

A motion was made by Mr. Grimes, that the further consideration of the Bill be indefinitely postponed.

Which passed in the negative. Yeas 12, Nays 14.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brophy, Fay, Grimes, Hebard, Johnson, Mitchell, Robb, Smyth, Steele, Thompson, Walworth, and Wilson.

Those who voted in the negative are,

Messs. Baker, Bonney, Brierly, Borland, Culbertson, Foley, Hackleman, M'Cleary, Nowlin, Roberts, Rogers, Wright, Wray, and Carleton, (Speaker.)

So the House refused to indefinitely postpone said Bill.

A motion was made by Mr. Bonney, that the Bill be engrossed and read a third time on to-morrow; which passed in the affirmative.

Yeas 14, Nays 12.

The yeas and nays being desired by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culberston, Foley, Hackleman, McCleary, Nowlin, Roberts, Rogers, Wray, Wright, and Carleton, Speaker.

Those who voted in the negative are,

Messrs. Brophy, Fay, Grimes, Hebard, Johnson, Mitchell, Robb, Smyth, Steele, Thompson, Walworth, and Wilson.

No. 17, H. R. File, "A Bill to incorporate the Board of Trustees of the Congregational Church of Burlington," was read a third time.

A motion was made by Mr. Thompson, that said Bill do lie upon the table, which passed in the negaiive.

Yeas 12—Nays 14.

The yeas and nays being desired by two members,

Those who voted in the affirmative, are,

Messrs. Baker, Bonney, Borland, Brophy, Culberston, Fay, Foley, Hackleman, Rogers, Smyth, Thompson, and Wray.

Those who voted in the negative are,

Messrs. Brierly, Grimes, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Steele, Walworth, Wilson, Wright, and Carleton, (Speaker.)

So the House refused to lay the Bill upon the table.

The question then recurred on the passage of said Bill.

Which passed in the affirmative. Yeas 15, Nays 11.

The yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Brierly, Borland, Grimes, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Steele, Walworth, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative are

Messrs. Baker, Bonney, Brophy, Culbertson, Fay, Foley, Hackleman, Rogers, Smyth, Thompson, and Wray.

So the Bill passed, and its title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.

The House resumed the consideration of No. 18, H. R. file, "A Bill amendatory of an act to incorporate the Scott County Hydraulic Company.

A motion was made by Mr. Rogers, that the enacting clause of said bill be stricken out, when,

Mr. Mitchell moved, that said bill do lie upon the table.

Which question having the precedence, was put, and passed in the negative.

Yeas 10—Nays 16.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative, are,

Messrs. Brierly, Grimes, Hebard, Mitchell, Robb, Roberts, Steele, Walworth, Wilson and Carleton, (Speaker.)

Those who voted in the negative, are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, Johnson, McCleary, Nowlin, Rogers, Smyth, Thompson, Wray and Wright.

So the House refused to lay said Bill upon the table.

A motion was made by Mr. Robb, That the House do now adjourn which passed in the negative.

Yeas 9—Nays 17.

The Yeas and Nays being demanded by two members,

Those who voted in the affirma ive, are,

Messrs. Brierly, Hebard, Mitchell, Robb, Roberts, Steele, Walworth, Wilson and Carleton, (Speaker.)

Those who voted in the negative, are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Fay, Foley, Grimes, Hackleman, Johnson, McCleary, Nowlin, Rogers, Smyth, Thompson, Wray and Wright.

So the House refused to adjourn.

On motion of Mr. Mitchell,

Ordered, That said bill be referred to a Select Committee.

Messrs. Mitchell, Grimes, and Thompson were appointed said Committee.

A message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed

No. 9, C. F. "A Bill to locate a Territorial Road from Keosauqua, in Van Buren county, to the western line of Appanoose county.

In which I am directed to ask the concurrence of the House.

I herewith return

An Act to legalize the acts of Isaac Parsons, Coroner of Louisa county, also, an acting Justice of the Peace of Jefferson Township, in said county; also,

An Act to authorize Daniel C. Davis to keep a Ferry, at Montrose, in Lee county.

The same having been signed by the President of the Council.

And then he withdrew.

No. 9, C. F. "A Bill to locate a Territoral Road from Keosauqua, in Van Buren county, to the western line of Appanoose county, was read a first time.

On motion of Mr. Bonney,

Ordered, That Mr. Wray be appointed a member of the following Committees of the House:

On Expenditures;
On Townships and County Boundaries;
On Agriculture.

And then the House adjourned until to-morrow morning at 10 o'clock.

Friday Morning, January 5, 1844.

The yesterday's proceedings having been read,

A motion was made by Mr. Thompson, that the House do now adjourn until to morrow morning at 10 o'clock, which passed in the affirmative.

Saturday Morning, January 6, 1844.

Mr. Culbertson presented the petition of 79 citizens of Jefferson county, praying the Legislative Assembly to pass a law to authorize the citizens of the Territory, to express their opinion relative to the formation of a State Government.

Which was read, and laid upon the table.

Mr. Baker presented several petitions of citizens of Washington and Mahaska counties, praying the establishment of a Territorial Road from Brighton, in Washington county, to the Seat of Justice of Mahaska county.

Ordered, That said petitions be referred to the Committee on Roads and Highways.

Mr. Mitchell presented the petition of 95 citizens of the county of Scott, praying the establishment of a Territorial Road from Iowa City, to the town of Davenport, in Scott county.

Which was read, and laid on the table.

Mr. Brophy gave notice, that he would, on Monday next, introduce Joint Resolutions, to provide for the payment of the reports of the Supreme Court, furnished under Joint Resolutions adopted at the last session of the Legislative Assembly.

Mr. Culbertson gave notice, that he would, on Monday, or some day thereafter, introduce

A Bill to legalize the acts of James T. Harden, as Recorder of Deeds and other instruments of writing, for Jefferson county.

Mr. Thompson gave notice, that he would, on some future day, introduce a Bill vesting in married women all property acquired by them, in their own right, either before or after marriage.

Mr. Baker gave notice, that he would, on Monday next, or on some day thereafter, introduce a Joint Resolution relative to Post Routes.

Also, That he would on Monday next, or some subsequent day, introduce a Bill for an act relative to incorporated Religious Societies.

Also, that he would on the same day introduce a Bill to regulate the fees of County Surveyors.

Also, a Bill to amend an Act entitled An Act for the election of Constables, and defining their duties, approved Jan. 24th, 1839.

Mr. Grimes gave notice, that he would, on some day hereafter, introduce

A Bill to amend an act entitled An Act defining the powers and duties of the Supreme Court.

Mr. Brophy, from the Committee on Incorporations, to whom was referred the petition of citizens of Scott county, praying an amendment

of the Charter of the Scott County Hydraulic Company, made a report adverse to the prayer of said petitioners, which was read as follows:

Your committee find that during the last session of the Legislature a law was passed, approved 24th January 1843, by which Antoine Le Clair, George L. Davenport, and others associated with them, were created a body corporate and politic by the name and style of the Scott Co. Hydraulic Company. The object of this incorporation as appears from an inspection of the act itself, is professedly to create near the town of Davenport, in Scott County, a water power sufficient for milling and manufacturing purposes. The Law gives to the corporation the privilege of taking the waters of the Mississippi from some point on the Upper or Rock Island Rapids, in said County, in such quantity as the company shall deem meet. And convey them to, or near Davenport, and there to erect mills, factories, &c. The privileges thereby granted, are in terms exclusive. That the company shall have power to take from the Mississippi River, sufficient water for the purpose &c. The company is the sole and exclusive Judge as to the amount of water necessary for their purpose &c. They may judge, that all the surplus water of the Mississippi, over and above what may be necessary for the purpose of navigation will only be sufficient. It must follow then as a matter of course, that if any other company or individual had the common right of using the water at the same time and point, the privileges hereby granted would be worthless, because, that other company or individuals might deem the whole surplus water only sufficient for their or his purpose. Hence from the necessity of the case, as well as from the terms of the grant, the privileges thereby vested in this corporation are to the exclusion of the rights and privileges of all and every other person. The rights and privileges thus conferred are made private property, in other words, the company shall have power to sell, lease, rent, or otherwise dispose of the water power precisely as individuals could, or might dispose of their private property. The company may also purchase and hold real estate to any amount deemed by the company necessary to the successful prosecution of their enterprise. The whole subject is left entirely and exclusively at the discretion of the corporation, with the single exception of the amount of the capital stock being limited. The annual profits may indeed exceed that amount. Yet the only power retained by the Legislature over this corporate body, is to alter or repeal the charter at pleasure. This power and control, the bill under consideration proposes to take away, or abrogate. In other words, to take away from the Legislature all power and control over this institution the moment ten thousand dollars are subscribed and paid in, upon the performance of that condition within the time prescribed, the corporate body is immediately and as completely placed beyond Legislative control as if existing in some foreign nation. It is worthy of serious consideration whether Institutions of this character should at any time be tolerated in Governments instituted like ours, but the question expands into almost in-

conceivable magnitude, when it is proposed to cut loose such an institution from all Legislative supervision. The theory of corporations in monarchical governments *is*, that a portion of the rights, prerogatives and privileges of the crown are vested in an association of individuals for certain purposes. Hence the subject of Monarchs can with perfect propriety advocate the doctrines of incorporations, because the rights accumulated in the crown are distributed among the people. Every philanthropist should rejoice when rights and prerogatives are wrested from the Monarch and given to the subject. The charter of King John, more generally known as the Magna Charta is of this character. The Barons of England wrested that great charter of human liberty from the hands of that weak and vacillating monarch at the point of the sword. And even Americans look upon that act as one of the most glorious achievements in the annals of English History. Why do we look upon that charter with so much admiration. Surely, not because it confers peculiar privileges upon the mass of the people; for history informs us that the Barons were the immediate gainers by that revolution, whilst the mass of the people were still held in bondage, yet it was a mighty stride in the march of liberty, because it wrested power from the crown, and distributed it among the subjects. So in every other struggle and revolution in England, they have all been favorable to liberty; because they have all tended to secure to the people greater rights and privileges, and consequently more enlarged liberty.

In this country the theory of corporations is entirely different.—Here it is taking the rights, powers and privileges of the people, and vesting them exclusively in one or more individuals. Hence, every incorporation must be to the prejudice of the great mass of the community. The same reasons therefore that would induce an Englishman to advocate corporate institutions, should stimulate every American and particularly every American Legislator, to scrutinize with the utmost care all acts purporting to confer upon companies and associations of individuals, rights and privileges exclusive in their character; if the above principles be correct, what will be their application to the case under consideration. The 8th section of the charter provides that the company shall have power to take from the Mississippi River, "sufficient water for their purpose at such point on the Upper or Rock Island Rapids, in Scott County, as they may deem proper," &c. It is doubtless known to all, that these rapids are about sixteen miles from the head thereof to Davenport. It is at the discretion of this company to take the water out at any point along the rapids; they may determine to take out the water at the head of the Rapids. This company has therefore the exclusive privilege of the use and enjoyment of that immense water power—equal to any in North America. The enquiry naturally arises, what is the consideration of this immense grant. It will be observed that the only consideration is that ten thousand dollars shall be subscribed and paid in. This whole vast power which be-

longs to the mass of the people, is bartered away for the insignificant consideration of having ten thousand dollars paid into the corporation. No obligation rests upon the company to subscribe, or pay another dollar, beyond the sum specified, or to do a single act in furtherance of the ostensible object of the charter. And yet those interested have the assurance to ask this body to place this great interest beyond all Legislative control. It is respectfully asked whether this honorable body is preparnd thus to trifle with the rights of their constituents. Are these rights and privileges of so insignificant a consideration that they may be thus thrown away upon an irresponsible and soulless corporation. If so, then indeed was American Liberty, purchased at a price infinitely beyond its worth.

Again this charter provides that the company shall have the power to purchase and hold in their corporate name any grounds for the purpose of carrying out the objects of the incorporation. Suppose the company should conclude to take the water out at the head of the rapid's they may purchase and hold all such lands along the route as they may deem necessary to convey the water to the point of destination. And surely a quarter section running along the route would not be deemed unreasonable. Take that as the standard then, the company may hold along the route sixteen miles, exclusive of the land necessary to their mills &c., about five thousand acres of land. This however is but a moiety of the lands and real estate they may hold. It is respectfully submitted, whether it is either the part of prudence or policy to to confer such vast privileges upon a corporation, that corporation too entirely and absolutely beyond the power and control of the Legislature.

There is another view of this subject. From the most authentic information, the Rock Island Rapids can never be improved for purposes of navigation by enlarging or deepening the channel, except at a vast expense. The whole West—and especially Iowa Territory, is deeply interested in the removal of the obstructions to the navigation of the Mississippi River. If these Rapids cannnot be made navigable by enlarging the channel, in what manner can the navigation over these Rapids be effected. In no other way than by cutting a canal along the west bank of the river. Now look at the predicament in which the whole community is involved. This corporation for the consideration above stated, have secured the exclusive privilege of constructing a canal along this whole route. They have also, the privilege of purchasing the land along the whole distance. It will, therefore be perceived, that the improvement of the Rapids by canalling around them is impossible, unless the Government complies with the terms of this corporation; and all, because this body had the improvidence to place the whole matter beyond the control of all Legislative action. Taking the most probable view of the whole subject, it cannot be regarded but with great suspicion.

In conclusion, the minority of your Committee would say, that it cannot recommend the passage of this Bill in any form, or terms in

which it can be proposed. But on the contrary, it would most respectfully recommend that a bill be introduced to repeal the charter absolutely.

If, however, this honorable body should take a different view of the subject, it is still urged, that the control of the Legislature over this subject should not, under any consideration whatever, be relinquished.

Mr. Brierly introduced No. 20, H. R. File, "A Bill to authorize John O'Hara, his heirs and assigns, to establish and keep a Ferry across the Mississippi river, at the town of Keokuk, in Lee county;" which was read a first time.

Mr. Thompson, from the Committee on the Judiciary reported

No. 21, H. R. File, "A Bill to authorize Aaron Street, jr., as administrator of Peter Boyer, dec'd, to make titles to certain real estate, in and near Salem, in Henry county.

Mr. Wilson, from the Committee on Roads and Highways, reported

No. 22, H. R. File, "A Bill to establish a Territorial Road from Iowaville on the Des Moines river, to the Missouri line, at the point where the Mormon trace crosses said line.

Mr. Baker introduced No. 23, H. R. File, "A Bill to organize the counties of Keokuk and Mahaska.

Mr. Steele introduced No. 24, H. R. File, "A Bill to legalize the acts of John A. Drake and Samuel B. Ayres, acting Justices of the Peace."

Mr. Bonney introduced No. 25, H. R. File, "A Bill to incorporate an Academy in the town of Farmington."

Mr. Bonney also introduced No. 26, H. R. File, "A Bill for the relief of Thomas Summerline, collector of Van Buren county."

Said bills were severally read a first time.

Mr. Hebard, from the Joint Committee on Enrolled Bills, reported that he did, on the 4th inst., present to the Governor, for his approval,

An Act to authorize Daniel C. Davis to keep a Ferry at Montrose, in Lee county.

Also, an Act to legalize the acts of Isaac Parsons, coroner of Louisa county; also an acting Justice of the Peace in Jefferson Township, in said county.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed

No. 13, H. R. File, "A Bill to amend an act entitled An Act districting the Territory into Electoral Districts.

The Council have also passed

No. 2, C. F. "Joint Resolutions relative to the sale of tools and other property belonging to the Territory of Iowa.

No. 6, C. F. "A Memorial to Congress, relative to the formation of a Constitution and State Government;" and,

No. 13, C. F. "A Bill to locate and establish a road from the lower

end of Water Street, in Burlington to David B. Anderson's Mill."

No. 11, C. F. "A Bill to authorize David B. Anderson and Henry C. Anderson, to keep a Ferry across the Mississippi river, opposite the lower end of Burlington.

And then he withdrew.

The Speaker laid before the House a communication from the Territorial Agent, in answer to a Resolution, calling upon him for information relative to locks for the use of the Capitol.

On motion of Mr. Hackleman,

Ordered, That said communication be referred to the Committee on Claims, and that said Committee have power to send for persons and papers.

No. 9, C. F. "A Bill to locate a Territorial Road from Keosauqua, in Van Buren county, to the western line of Appanose county," was read a second time.

A motion was made by Mr. Bonney, that the name of "Samuel Clark," in the fourth line of the first section, be stricken out, and the name of "St. Clair Griffen" iuserted; to which the House agreed.

On motion of Mr. Bonney,

Ordered, That the bill be read a third time on Monday next.

No. 19, H. R. File, "A Bill to confine the jurisdiction of Justices of the Peace and Constables, in certain cases, to their Townships, and amendatory of an act entitled An Act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings; approved Feb. 9th, 1843, was read a second time.

On motion of Mr. Grimes,

The House resolved itself into a Committee of the whole House upon said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Grimes reported, that the Committee had, according to order, had said Bill under consideration, had made some progress therein, and directed him to ask leave to sit again on Wednesday next.

To which the House agreed.

On motion,

Ordered, That this House do now adjourn until Monday morning at 10 o'clock.

Monday Morning, January 8, 1844.

Mr. Speaker presented the petition of 133 citizens of Iowa City and its vicinity, praying that the Legislative Assembly would donate to the Mechanics' Mutual Aid Association of Iowa City, the north half of the School Reserve in Block No. 60, in Iowa City, for literary purposes.

Also, the petition of 88 ladies of Iowa City, praying that said donation may be made.

On motion,

Ordered, That said petitions be referred to a Select Committee of three.

Messrs. Baker, Johnson, and Borland, were appointed said Committee.

Mr. Brophy presented the petition of 30 citizens of the counties of Clinton and Jackson, praying that the Legislative Assembly would pass a law, repealing the Charter of the Miner's Bank of Dubuque unconditionally.

Which was laid upon the table.

Mr. Speaker presented the petition of sundry citizens of the counties of Johnson, Cedar, Muscatine, and Scott, praying the location of a Territorial Road from Iowa City to Davenport, by way of Rochester, in Cedar county, and Centre Grove, in Muscatine county.

On motion,

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Speaker presented the petition of sundry citizens of the Territory, praying the Legislative Assembly to pass a Joint Resolution, memoriaizing Congress for a grant of one Township of land for the purpose of erecting a College at Iowa City.

Ordered, That said petition be referred to a Select Committee of three.

Messrs. Grimes,Nowlin, and Smyth, were appointed said Committee.

Mr. Fay presented the petition of 12 citizens of the county of Muscatine, praying the re-location of a portion of the Territorial Road from Wyoming to Iowa City.

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Fay presented the petition of 169 citizens of Muscatine county, praying the repeal of an act entitled An Act to prevent certain immoral practices.

Ordered, That the petition do lie upon the table.

Mr. Wright presented the petition of 13 citizens and ministers of the Territory, praying an exemption for ministers of the Gospel from ferry charges.

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Bonney presented the petition of 204 voters of the county of Van Buren, praying the repeal of an Act entitled

An Act, subjecting real and personal property to execution commonly called the "Valuation Law."

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. Walworth presented the petition of 100 citizens of Linn county, praying the location of a Territorial Road from the Rapids of Ce-

dar river to the Rapids of the Wappesipinicon river, in Buchanan county.

On motion,

Ordered, That said petition be referred to the delegation from Cedar, Jones, and Linn.

On motion of Mr. Grimes,

Resolved, That the Journal of Monday the 1st inst. be so changed and corrected, as to show that Mr. Grimes, of Des Moines, presented a letter of instructions from 1290 citizens of that county, instead of 1172, in relation to the Miners' Bank of Dubuque.

Mr. Baker, in accordance with previous notice, introduced

No. 27, H. R. file, "Joint Resolutions, relative to Mail Routes."

Which was read a first time.

Mr. Brierly, in accordance with previous notice, introduced

No. 28, H. R. file, "A Memorial to Congress, relative to the Rapids of the Mississippi river: which was read a first time.

A motion was made by Mr. Robb, that 240 copies be printed.

Which was decided in the negative. Yeas 10, Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messs. Baker, Brierly, Brophy, Culbertson, Foley, Hackleman, Johnson, Robb, Thompson, and Wray.

Those who voted in the negative are,

Messrs. Bonney, Borland, Fay, Grimes, Hebard, M'Cleary, Nowlin, Roberts, Rogers, Smyth, Steele, Walworth, Wilson, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Nowlin, that the 42d rule be suspended, in order that the Memorial might be read a 2d time now.

Which was decided in the negative.

Mr. Bonney, on leave, introduced

No. 29, H. R. file, "A Bill to organize the county of Davis, and to provide for the location of the Seat of Justice thereof."

Mr. Nowlin, on leave, introduced No. 30, H. R. File, "A Bill to enable settlers on public lands to recover value for their improvements."

Mr. Grimes, on leave, introduced

No. 31, H. R. File, "A Bill defining the jurisdiction of the Supreme Court, and regulating the practice therein.

Mr. Johnson, on leave, introduced No. 32, H. R. File, "A Bill to incorporate the Burlington Mechanics' Institute.

Mr. Brophy, on leave, introduced

No. 33, H. R. File, "A Joint Resolution, to provide for the payment for the Reports of the Supreme Court.

Said Bills and Resolution were severally read a first time.

No. 2, C. F. "Joint Resolutions, relative to the sale of tools and other property belonging to the Territory.

No. 6, C. F. "A Memorial to Congress, relative to the formation of a Constitution and State Government.

No. 11, C. F. "A Bill to authorize David B. Anderson and Henry

C. Anderson to keep a Ferry across the Mississippi river, opposite the lower end of Burlington.

No. 13, C. F. "A Bill to locate and eatablish a Road from the lower end of Water-street, in Burlington, to David B. Anderson's Mill;

Were severally read a first time.

A message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed

No. 12, C. F. "A Bill to change the name of William B. Peck and Ann M. Peck;" also,

No. 17, C. F. "A Joint Resolution, authorizing the Auditor of Public Accounts to audit the account ef Edwin Guthrie for work done on the Penitentiary."

In which I am directed to ask the concurrence of the House.

And then he withdrew.

No. 20, H. R. file, "A Bill to authorize John O'Hara, his heirs and assigns, to establish and keep a Ferry across the Mississippi river, at the town of Keokuk, in Lee county;"

Was read a second time.

A motion was made by Mr. Brierly, that the bill be engrossed and read a third time on to-morrow;

Which was decided in the affirmative.

Yeas 16, Nays 10.

The yeas and nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Brierly, Foley, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Steele, Walworth, Wilson, Wray, Wright, andCarleton, Speaker.

Those who voted in the negative are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Fay, Grimes, Rogers, Smyth, and Thompson.

No. 21, H. R. File, "A Bill to authorize Aaron Steet, Jr., as administrator of Peter Boyer, deceased, to make titles to certain real estate in and near Salem, in Henry county.

No. 22, H. R. File, "A Bill to establish a Territorial Road from Iowaville, on the Des Moines river to the Missouri line, at the point where the Mormon trace crosses said line."

Were severally read a 2d time, and ordered to be engrossed and read a third time to-morrow.

No. 23, H. R. File, "A Bill to organize the counties of Keokuk and Mahaska;" was read a second time, and,

On motion of Mr. Baker,

The House resolved itself into a Committee of the whole House, on said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Foley reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same to the House with amendments.

The House concurred in the report of the Committee.

The bill was then ordered to be engrossed and read a third time to-morrow.

No. 24, H. R. "A Bill to legalize the acts of John A. Drake and Samuel B. Ayres, Justices of the Peace, in Lee county;"

Was read a 2 time, and ordered to be engrossed and read a third time to-morrow.

No. 25, H. R. File, "A Bill to incorporate an Academy in the town of Farmington;" was read a 2d time, and,

On motion of Mr. Bonney,

Referred to the Committee on Corporations.

No. 26, H. R. File, "A Bill for the relief of Thomas Summerline, Collector of Van Buren county;"

Was read a second time, and ordered to be engrossed and read a 3d time to-morrow.

No. 9, C. F. "A Bill to locate a Territorial Road from Keosauqua, in Van Buren county, to the western line of Appanoose county, was read a third time, and,

On motion of Mr. Bonney,

Ordered to lie on the table.

No. 1. H. R. "A Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same being the order of the day.

A motion was made by Mr. Wright, that the further consideration of the bill be postponed until Thursday next, which was decided in the affirmative.

Mr. Foley gave notice, that he would on Thursday next, introduce

A Bill to authorize the people of Dubuque, Jackson, Clayton, and Delaware counties to form themselves into a mutual Fire Insurance Company.

Mr. Walworth, from the Committee on Engrossed Bills reported that they had examined An Act to change the time of holding the general elections, and found the same correctly engrossed.

Mr. Thompson gave notice, that he would at some future day introduce a bill requiring the District Court to entertain jurisdiction of cases brought up to said Court by appeal or certiorari, from Justices of the Peace since the 4th day of July, 1843, which said causes have been brought up in accordance with the law in force prior to said day.

On motion of Mr. Hackleman,

The House adjourned until to-morrow morning at 10 o'clock.

Tuesday Morning, January 9, 1844.

Mr. Culbertson presented the petition of 103 citizens of Jefferson county, praying the Legislative Assembly to repeal the Valuation Law.

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. McCleary presented the petition of 44 citizens of Louisa county, praying the location of a Territorial Road from Wapello, in Louisa county, to Moffatt's Mill, on Skunk river.

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Culbertson presented the petition of 262 citizens of Wapello county, praying for the organization of said county;

Also, the location of the Seat of Justice thereof, by a majority of the votes of the citizens of said county;

Also, praying the Legislative Assembly to take some action, in order that another Judicial District may be organized.

Mr. Culbertson presented the petition of 151 citizens of Wapello county, praying the organization of said county;

Also, that the Seat of Justice of said county may be located by Commissioners appointed for that purpose, and remonstrating against any change of the boundaries of said county.

Ordered, That said petitions be referred to a Select Committee of one from each Electoral District.

Messrs. Culbertson, Wray, Baker, Brierly, Fay, Smith, Johnson, Thompson, Nowlin, Foley, Brophy, and McCleary, were appointed said Committee.

Mr. Foley presented the petition of 29 citizens of Jackson county praying the location of a Territorial Road from Springfield in Jackdian line crosses said river.

son, county, to a point on the Wappesipinicon river where the meri-

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Brophy gave notice that he would, on to-morrow, or some future day, introduce

Joint Resolutions, relative to Post Routes Nos. 4506 and 4228.

Mr. Baker, from the Committee on Military Affairs, to whom was referred a Resolution instructing the Committee to enquire into the expediency of so amending the law for organizing and disciplining the militia, so as to

First: To dispense with company trainings in time of peace.

Second: All able-bodied citizens, above the age of eighteen, and under forty-five years, to be kept enrolled, organized, and officered.

Also, sundry petitions, in relation to the organization of the Militia, and that portion of the Governor's Message which relates to the organization of the Militia, have had the same under consideration, and beg leave to report the following entitled bill:

No. 34, H. R. File, "A Bill to organize the Militia;"

Which was read a first time.

A motion was made by Mr. Culbertson, that 50 copies of the Bill be printed;

Which was decided in the negative.

Mr. Grimes, from the Committee on Corporations, reported

No. 35, H. R. File, "A Bill to incorporate the Farmington Academy and High School."

Which was read a first time.

Mr. Hebard, from the Committee on Enrolled Bills, reported that they had examined

An Act to amend an Act, Districting the Territory into Electoral Districts, and found the same correctly enrolled.

The Speaker then signed said Act.

Mr. Mitchell, from the Committee on Engrossed Bills, reported, that they had examined

Nos. 20, 21, 22, 24, and 26, and found the same correctly engrossed.

No. 27, H. R. File, "Joint Resolutions relative to certain Mail Routes," was read a second time; and,

On motion of Mr. Baker,

Referred to the Delegations from Washington, Jefferson, and Van Buren counties.

No. 28, H. R. File, "A Memorial to Congress relative to the Rapids of the Mississippi river," was read a second time.

On motion of Mr. Grimes,

Ordered, That said Memorial be referred to a Select Committee.

Messrs. Grimes, Rogers, and Brierly were appointed said Committee.

No. 29, H. R. File, "A Bill to organize the county of Davis, and to provide for the location of the Seat of Justice thereof;"

Was read a second time, and ordered to be engrossed and read a 3d time to-morrow.

No. 30, H. R. File, "A Bill to enable settlers on public lands to recover value for their improvements was read a 2d time.

A motion was made by Mr. Fay, that the bill be referred to the Committee on the Judiciary;

Which was decided in the negative.

A motion was made by Mr. Rogers, to strike out the word "damages," and insert the word "assumpsit," and passed in the affirmative.

The Bill was then ordered to be engrossed, and read a third time to-morrow.

No. 31, H. R. File, "A Bill defining the jurisdiction of the Supreme Court, and regulating the practice therein;"

was read a second time, and,

On motion of Mr. Robb.

Ordered, That the Bill be laid on the table, and that fifty copies be printed.

No. 32, H. R. File, "A Bill to incorporate the Burlington Mechanic's Institute;" was read a second time; and,

On motion of Mr. Johnson,

Ordered to engrossed, and read a third time to-morrow.

No. 33, H. R. File, "Resolutions to provide for the payment for the reports of the Supreme Court, furnished under the resolution of the last session of the Legislature," was read a second time, and,

On motion of Mr. Brophy,

Ordered to be engrossed and read a third time to-morrow.

No. 2, C. F. "Joint Resolutions relative to the sale of tools and other property belonging to the Territory;"

Was read a second time; and,

On motion of Mr. Robb,

Referred to the Committee on Public Buildings.

No. 6, C. F. "A Memorial to Congress relative to the formation of a Constitution and State Government;"

Was read a second time.

On motion of Mr. Foley,

Laid on the table.

No. 11, C. F. "A Bill to authorize David B. Anderson and Henry C. Anderson to keep a Ferry across the Mississippi river, opposite the lower end of Burlington;" was read a second time.

On motion of Mr. Hebard,

The bill was so amended as to grant the charter for ten years, instead of fifteen.

On motion of Mr. Hackleman,

Ordered, That the bill be referred to the delegation from Des Moines.

No. 13, C. F. "A Bill to locate and establish a Road from the lower end of Water-street, in Burlington to David B. Anderson's Mill," was read a 2d time.

On motion of Mr. Hebard,

Ordered, That the bill be read a third time to-morrow.

No. 7, H. R. File, "An act to change the time of holding the General Elections," was read a third time.

On motion of Mr. Bonney,

The House resolved itself into a Committee of the whole House on said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Nowlin reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same back to the House, and ask its concurrence.

The question was then taken on concurring in striking out the following words of the bill.

Provided that nothing herein contained shall be so construed as to

change the term of any of the officers whose elections are heretofore provided for, and was decided in the affirmative.

The question was then taken on concurring with the Committee in inserting the following proviso.

Provided, That all officers, whose term of office would expire on the first Tuesday in October, shall expire on the first Monday in August, or so soon thereafter as their successors may be elected and qualified; and was decided in the affirmative.

Yeas 15—Nays 11.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Hackleman, Hebard, Johnson, McCleary, Nowlin, Roberts, Wray and Wright.

Those who voted in the negative, are,

Messrs. Fay, Grimes, Mitchell, Robb, Rogers, Smyth, Steele, Thompson, Walworth, Wilson and Carleton, (Speaker.)

A motion was made by Mr. Walworth, that the bill be referred to the Committee on the Judiciary, which was decided in the negative.

Yeas 13—Nays 13.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are,

Messrs. Brophy, Culbertson, Fay, Grimes, Hebard, Johnson, Mitchell, Robb, Smyth, Steele, Thompson, Walworth and Wilson.

Those who voted in the negative, are,

Messrs. Baker, Bonney, Brierly, Borland, Foley, Hackleman, McCleary, Nowlin, Roberts, Rogers, Wray, Wright and Carleton, (Speaker.)

The question recurring on the passage of the bill, it passed in the affirmative.

Yeas 14, Nays 12.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Culbertson, Foley, Hackleman, McCleary, Nowlin, Roberts, Rogers, Thompson, Wray and Wright.

Those who voted in the negative are,

Messrs. Brophy, Fay, Grimes, Hebard, Johnson, Mitchell, Robb, Smyth, Steele, Walworth, Wilson and Carleton, [Speaker.]

So the Bill passed and the title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.

A motion was made by Mr. Thompson to reconsider to vote on the bill just passed.

On motion of Mr. Grimes,

The motion of Mr. Thompson was laid on the table.

No. 20, H. R. File, "A Bill to authorize John O'Hara to establish and keep a Ferry across the Mississippi River at the town of Keokuk in the county of Lee," was read a third time, and,

On motion of Mr. Rogers,

Ordered, to lie on the table.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed

No. 14, C. F. "A Bill to authorize Guy Wells and James Wilson to stablish and keep a Ferry across the Mississippi river at Fort Madison in Lee county.

Also No. 10, C. F. "A Bill to authorize Rachael Hamilton, Administratrix of the estate of James Hamilton, deceased, to sell and convey certain real property therein named.

In which I am directed to ask the concurrence of the House.

And then he withdrew.

No. 12, C. File, "A Bill to change the name of Wm. B. Peck and Ann M. Peck.

No. 17, C. F. "A Joint Resolution authorizing the auditor of Public Accounts to audit the account of Edwin Guthrie for work done on the Penitentiary were severally read a first time.

On motion of Mr. Baker,

The House adjourned until to-morrow morning at 10 o'clock.

Wednesday Morning, January 10, 1844.

Mr. Foley presented the petition of 188 citizens of Jackson county, praying that the Legislative Assembly may take no other action in regard to the Miners' Bank of Dubuque, except to repeal its charter and wind up its affairs. Which was referred to the delegations from Dubuque and Jackson counties.

Mr. Brierly presented the petition of 63 citizens of Lee county, praying for the location of a Territorial Road from Gray's Ferry, on the Des Moines river, to Devil Creek Bridge on the Burlington road, which was referred to the delegation from Lee county.

Mr. Fay presented the petition of 72 citizens of Muscatine county, praying that an act may be passed to restrain Bulls, Rams, and Boars, from running at large, which was referred to the Committee on Agriculture.

On motion of Mr. Robb,

Resolved, That the Committee on the Judiciary be instructed to enquire

First, What amendments, if any, are necessary to the act incorporating Religious Societies, and.

Second, What amendments, if any, are necessary to the act regulating Wills, Administrators, &c.

Mr. Hackleman from the select Committee to which was referred

No. 11, C. F. "A Bill to authorize David B. Anderson and Henry C. Anderson, to keep a Ferry across the Mississippi river opposite the lower end of Burlington," reported the same back to the House with amendments which were read a first time.

No. 10, C. F. "A Bill to authorize Rachael Hamilton, Administratrix of the estate of James Hamilton, deceased, to sell and convey certain real property therein named.

No. 14, C. F. "A Bill to authorize Guy Wells and James Wilson to establish and keep a Ferry across the Mississippi river at Fort Madison in Lee county, were severally read a first time.

No. 12, C. F. "A Bill to change the names of William B. Peck and Ann M. Peck, was read a second time, and,

On motion of Mr. Brierly,

Laid on the table.

The House resumed the consideration in Committee of the whole House,

No. 19 H. R. File, "A Bill to confine the jurisdiction of Justice of the Peace. And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Wilson reported that the Committee had, according to order, had said bill under consideration, and instructed him to report the same to the House and ask leave to sit again on Friday next, leave was granted.

And then the House adjourned until to-morrow morning at 10 o'clock.

Thursday Morning, January 11, 1844.

Mr. Hackleman presented the petitions of 57 citizens of Des Moines county, praying the Legislative Assembly to pass a Law, to wind up the affairs of the Miners' Bank of Dubuque, without further indulgence.

Said petitions were laid upon the table.

Mr. Baker presented the petition of 9 citizens residing east of Iowa river adjoining Township 77 N. R. 5 W. 5 principal meridian, in Washington county, praying that that portion of said county may be annexed to Washington county.

On motion of Mr. Baker.

Ordered, That said petition be referred to a select Committee of three.

Messrs. Baker, McCleary and Roberts, were appointed said Committee

Mr. Smyth presented the petition of 43 citizens of Johnson, Cedar, Muscatine and Scott counties, praying that a Territorial Road be estab-

lished from Iowa city to Davenport, by the way of Rochester, in Cedar county, and Centre Grove, in Muscatine county.

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Brierly offered the following resolution,

Resolved, That R. W. Albright, editor of the Lee county Democrat, print two hundred and forty copies of the Journals of the House of Representatives and deliver the same to the Secretary of the Territory, within three months after the adjournment of the Legislature, and that the Secretary of the Territory pay the said Albright the prices established by law.

A motion was made by Mr. Rogers, that the name of R. W. Albright be stricken out and the names of Wilson and Keesecker inserted.

When a motion was made by Mr. Baker, that said resolution do lie upon the table, which motion having the precedence, was put, and decided in the affirmative.

Mr. Johnson, from the Committee on Public Buildings, to whom was referred No. 2, C. File, "Joint Resolutions relative to the sale of tools, and other property, belonging to the Territory of Iowa," reported the same back to the House with one amendment, which was read a first time.

Mr. Wilson from the Committee on Roads and Highways, to whom was referred No. 16, H. R. File, "A Bill to amend certain acts relating to Roads and Highways," reported the same back to the House, with one amendment, which was read a first time.

No. 1. H. R. "A Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same," being the order of the day, was taken up.

A motion was made by Mr. Rogers, that a call of the House be had, which was Ordered.

And upon the roll being called, it was found,

That, Messrs. Bonney, Fay, Foley, Mitchell, Nowlin and Walworth, were absent.

Whereupon, the Sergeant-at-Arms, was despatched to enforce the attendance of the absentees.

After some time the absentees appearing,

On motion of Mr. Brierly,

Ordered, That the further call of the House be suspended.

On motion of Mr. Rogers,

The House resolved itself into a Committee of the whole House on said Bill.

After some time spent therein, Mr. Speaker resumed the chair, and Mr. Hebard reported, that the Committee had according to order, had said Bill under consideration, and directed him to report the same to the House without amendment.

A motion was made by Mr. Hackleman, to amend the bill by inserting the following after the enacting clause.

That the Stockholders of the Miners' Bank of Dubuque, be and they

are hereby required to redeem and pay specie for all notes issued by said Bank, that may be presented at their counter, within thirty days after the passage of this act, and continue at all times thereafter to pay specie when called are and if they refused so to do, then said Charter shall be wound up according to the provisions of this act.

Provided, That unless the Stockholders of said Bank, shall within thirty days after the passage of this act, mortgage to the Territory of Iowa, four hundred thousand dollars worth of real estate, lying and being situate in the Teritory of Iowa, which shall be valued at a fair value, to secure the paymcnt of all notes that is, or may hereafter be issued by said Bank, and that the Judge of the third Judicial District have power, and it is hereby made his duty to appoint three disinterested Commissioners to value said land under oath, to the best of their judgment, who shall take and receive said mortgage in the name of the Territory of Iowa, and that they have the same made a matter of record, in the Recorders Office, in the county of Dubuque, in said Territory, and that said Bank pay all charges for the same, and further, it shall be the duty of said Commissioners, to examine into the affairs of said Bank, and report to said Judge every three months.

The question was put, and decided in the negative.

Yeas 4—Nays 21.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are,

Messrs. Hackleman, Johnson, Nowlin and Wright.

Those who voted in the negative, are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Grimes, Hebard, Mitchell, McCleary, Robb, Roberts, Rogers, Smyth, Steele, Thompson, Walworth, Wilson, Wray, and Carleton, (Speaker.)

On motion of Mr. Bonney,

The House adjourned until 2 o'clock P. M.

2 O'CLOCK P. M.

On motion of Mr. Rogers.

A call of the House was had when all the members answered to their names except Messrs. Baker, Fay, Foley, Hackleman and Mitchell.

On motion of Mr. Bonney,

Mr. Fay was excused from the call.

The Sergeant-at-Arms was directed to compel the attendance of the absentees. After a short time the absentees appearing the further call was suspended.

The House then resumed the consideration of No. 1, H. R. File, "A Bill to repeal the Charter of the Miners' Bank of Dubuque &c.

A motion was made by Mr. Grimes to amend the bill by inserting the following after the enacting clause.

That the Miners' Bank of Dubuque be and it is hereby required to

resume specie payments upon all of its legal liabilities within thirty days from the pasage of this act.

Sec. 2. In case the said Bank shall refuse or neglect to comply with the provisions of the first section of this act, it shall be the duty of the District Attorney of the county of Dubuque, to sue out a writ of *quo warranto* against said Bank, at the next ensuing term of the Disirict Court in said county, and prosecute the same to final judgment and decision agreeably to the laws of this Territory for such cases made and provided.

Sec. 3. If said Bank shall resume specie payments as required by the first section of this act, and fail or refuse at any time thereafter to pay, on demand, any of its legal liabilities in gold and silver coin, it shall be the imperative duty of the said attorney, to sue out such a writ of *quo warranto* as provided for in the second section of this act.

A motion was made by Mr. Hackleman to amend the amendment by adding the following.

That the Stockholders of said Bank be required to mortgage real estate to the Territory of Iowa, in double the amount of stock subscribed, and actually paid in, which shall be done within ninety days after the passage of this act, and it shall be the duty of the Judge of the third Judicial District, immediately after the passage of this act, to appoint three disinterested Commissioners, whose duty it shall be to value said real estate at its fair value in cash, which mortgage shall be recorded in the recorder's office in the county of Dubuque and further, it shall be the duty of said Commissioners, to examine the affairs of said Bank once in every ninety days and make report to said Judge, and if from an examination of said Commissioners, the Judge believes that the Bank has violated any of her liabilities, said Judge shall proceed according to the provisions of this act.

Which passed in the negative.

Yeas 5, Nays 20.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Bonney, Hackleman, Johnson, Nowlin, and Wright.

Those who voted in the negtaive are,

Messrs. Baker, Brierly, Borland, Brophy, Culbertson, Foley, Grimes, Hebard, Mitchell, M'Cleary, Robb, Roberts, Rogers, Smyth, Steele, Thompson, Walworth, Wilson, Wray and Carleton, (Speaker.)

The question then recurring on the substitute of Mr. Grimes, and after debate,

On motion of Mr. Walworth,

The House adjourned until to-morrow morning at 10 o'clock.

Friday Morning, January 12, 1844.

Mr. Walworth presented the petition of 15 citizens of Wapsenonoc Settlement, in Cedar county, praying that Township 79 north, range 4, west of the fifth principal meridian, be annexed to Johnson county.

Ordered, That said petition be referred to the Committee on Townships and County Boundaries.

Mr. Speaker laid before the House the petition of 148 citizens of Johnson county, praying for the repeal or modification of the law commonly called the Valuation Law.

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. Foley gave notice, that he would, on Monday next, or on some future day, ask leave to introduce

A Memorial to Congress, praying said body to establish a Mail Route from the city of Galena in the State of Illinois, to cross the Mississippi river in the vicinity of the 3d principal meridian, where said line crosses the same; thence by way of Bellview, Andrew, and Springfield post-offices in Jackson county, and thence to cross the Wappesipinicon, at or near where the 4th meridian crosses said river, and thence to Tipton, the County Seat of Cedar county, and thence to Iowa City.

Mr. Grimes gave notice, that he would, on some future day, introduce

A Bill to incorporate the Burlington University.

Mr- Wilson, from the Committee on Roads and Highways, reported No. 36, H. R. file, "A Bill to locate a Territorial Road from Wapello, Louisa county, to Augusta, in Des Moines county."

Which was read a first time.

Mr. Nowlin presented a report relative to petitions respecting the Miners' Bank of Dubuque; which was read af follows:

The undersigned, member ef the Select Committee, to which was referred sundry petitions from the citizens of Dubuque, Delaware, and Clayton counties, in relation to the Miners' Bank of Dubuque, would respectfully report,

That he has carefully examined said petitions, and find 559 names attached thereto, out of which number, there are some not naturalized, some under age, some living in the State of Illinois, some in Jackson, and some in Jones counties; many of the names on said petitions are entirely unknown to your Committee; and it is impossible for him to decide, whether they reside in one of the above named counties, or in some foreign State or Territory.

Your Committee would state, that according to the returns of last

election, the representative district, (which he, in part, has the honor to represent,) gave 835 votes; and while your Committee is at all times willing to acknowledge the right of the people to instruct their representative, and the bounden duty of the representative to obey, he would call your attention to the following petitions:

To the Honorable the Legislative Assembly of the Territory of Iowa, December, 1843.

Your petitioners would respectfully represent, That if the Miners' Bank of Dubuque shall resume, and pay all her liabilities in specie, as they may be presented, and provide ample means for doing a perfectly safe business, it will tend greatly to the prosperity of the Territory.

They pray, that the Bank may be required to resume specie payment upon all her liabilities, in a limited time; and also, to provide ample means to do a business perfectly safe to the community, to be ascertained in such way as you, in your wisdom, may provide; or, in default thereof, her Charter may be declared forfeited.

Your Committee would further state, that he feels himself instructed by a large and respectable portion of the citizens of his district to support any measure which will compel the Miners' Bank to resume specie payment in a given number of days, and at the same time to place her in such a condition that she will be compelled to do a perfectly fair and safe business for the people; and at the same time, your Committee feels confident that it is impossible for the Legislature to place this Bank in any condition whatever, where the people's rights will be secured, only by compelling her to mortgage real estate to the full amount of all that she may, or has by law, a right to issue, or otherwise to repeal the Charter.

HARDIN NOWLIN.

Mr. Thompson, from the Committee on the Judiciary, reported

No. 37, H. R. File, "A Bill to legalize Deeds and other instruments of writing;"

Which was read a first time.

Mr. Walworth, from the Committee on Engrossed Bills, reported, that they had examined

Nos. 23 and 32, H. R. File, and found the same correctly engrossed.

The House resumed the consideration of

No. 1, H. R. File, "A Bill to repeal the Charter of the Miners' Bank of Dubuque," &c.

The question being on the adoption of the substitute offered by Mr. Grimes, was stated, and after debate,

On motion of Mr. McCleary,

The House adjourned until 2 o'clock, P. M.

2 O'COLCK, P. M.

Mr. McCleary moved a call of the House, which was ordered

All the members answered to their names, with the exception of Messrs. Baker, Fay, Mitchell, Robb, and Walworth.

On motion of Mr. Bonney,

Ordered, That Mr. Fay be excused from the call.

The Sergeant-at-Arms was then despatched to enforce the attendance of the absentees.

Who, after a short time, apppearing,

The further call of the House was, on motion, suspended.

The House resumed the consideration of

No. 1, H. R. file, "A Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same."

Mr. Johnson moved the following amendment to the amendment offered by Mr. Grimes, to wit:

"If the Bank, at any time hereafter, refuses to redeem, in the legal coin of the United States, all its notes or liabilities, the person holding such notes or liabilities, may proceed against, and collect the same out of the private property of the Stockholders of said Bank in the same manner as individual debts are collected under the laws of this Territory.

Which amendment was accepted by Mr. Grimes as a part of the amendment offered by him.

And the question being put, passed in the negative.

Yeas 8, Nays 17.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Grimes, Hebard, Johnson, Mitchell, Robb, Steele, Walworth, and Wilson.

Those who voted in the negative are,

Messrs. Baker, Bonney, Brierly. Borland, Brophy, Culbertson, Foley, Hackleman, McCleary, Nowlin, Roberts, Rogers, Smyth, Thompson, Wray, Wright, and Carleton, [Speaker.]

So the House refused to adopt the amendment.

The question then recurred on the Engrossment of the Bill,

Which was put, and passed in the affirmative.

Yeas 18—Nays 7.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Hackleman, Johnson, McCleary, Nowlin, Roberts, Rogers, Smyth, Thompson, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are,

Messrs. Grimes, Hebard, Mitchell, Robb, Steele, Walworth, and Wilson.

No. 2, C. F. "Joint Resolutions relative to the sale of tools and other property belonging to the Territory of Iowa.

No. 10, C. F. "A Bill to authorize Rachael Hamilton, administratrix of the estate of James Hamilton, deceased, to sell and convey certain real property therein named.

No. 11, C. F. "A Bill to authorize David B. Anderson and Henry C. Anderson, to keep a Ferry across the Mississippi river, opposite the lower end of Burlington."

No. 14, C. F. "A Bill to authorize Guy Wells and James Wilson to establish and keep a Ferry across the Mississippi river at Fort Madison, in Lee county."

Said Joint Resolutions and Bills were severally read a 2d time, and

Ordered to be read a third time on to-morrow.

No. 17, C. F. "Joint Resolution, authorising the Auditor of Public Accounts to audit the account of Edwin Guthrie for work done on the Penitentiary," was read a 2d time, and

On motion of Mr. Bonney,

Ordered, That said Resolution be referred to the Committee on Public Buildings.

No. 16, H. R. file, "A Bill to amend certain acts relating to Roads and Highways," was read a 2d time.

On motion of Mr. Rogers,

Ordered, That said bill do lie upon the table.

No. 19, H. R. File, "A Bill to confine the jurisdiction of Justices of the Peace and Constables, in certain cases, to their own Townships, and amendatory of an act entitled "An Act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings, approved February 9th, 1843," being the order of the day,

The House again resolved itself into a Committee of the whole House on said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Wilson reported, that the Committee had, according to order, had said bill under consideration, had made some progress therein, and directed him to report the same to the House, and to ask leave to sit again on to-morrow.

To which the House agreed.

Mr. Rogers, by leave of the House, introduced,

No. 38, H. R. File, "A Bill to amend an act, entitled 'An Act regulating Criminal Proceedings;'"

Which was read a first time.

A motion was made by Mr. Rogers, that the 42d rule be suspended, and the bill be read a second time now;

And was decided in the affirmative.

Yeas 17, Nays 6.

The yeas and nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Grimes, Hackleman, Hebard, Johnson, McCleary, Nowlin, Roberts, Rogers, Thompson, Walworth, Wright, and Carleton, Speaker.

Those who voted in the negative are,

Messrs. Brophy, Mitchell, Smyth, Steele, Wilson, and Wray.

The Bill was then read a second time, and referred to the Committee on the Judiciary.

Mr. Thompson, on leave, introduced

No. 39, H. R. file, "A Bill requiring the District Court to entertain jurisdiction of causes brought up by appeal or certiorari," &c. Also,

No. 40, H. R. File, "A Bill vesting in married women all property acquired by them in their own right, either before or after marriage."

Said Bills were read a first time, and,

On motion of Mr. Grimes,

Fifty copies of the last named bill were ordered to be printed.

And then,

On motion of Mr. Wilson,

The House adjourned until to-morrow morning at 10 o'clock.

Saturday Morning, January 13, 1844.

Mr. Walworth presented the petition of 60 citizens of Dubuque, Delaware, and Jones counties, praying the Legislative Assembly to form a new county, to be composed of the following named Townships, to wit: Township No. 87, Ranges 1 and 2 west, in Dubuque county; 3 and 4, west, in Delaware county; Township 86, ranges 1, 2, 3, and 4 west; and Township, No. 85, ranges 1, 2, 3, and 4; all being west of the fifth principal meridian, and in Jones county.

Ordered, That said petition be referred to the Committee on Townships and County Boundaries.

Mr. Rogers presented the petition of several citizens of Iowa City, praying the Legislative Assembly to pass a law to resuscitate the Miners' Bank of Dubuque: provided, that the Stockholders cause to be paid into the office of the Secretary of the Territory the sum of $10,000, as a bonus; the said sum to be appropriated for the encouragement of the emigration of marriageable females from New England to this Territory.

Ordered, That said petition be referred to a Select Committee.

Messrs. Rogers, Grimes, and Baker were appointed said Committee.

Mr. Smyth presented the petition of Thomas Hare of Linn county, praying the Legislative Assembly to legalize his marriage.

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. Rogers presented the petition of Avery Thomas, praying that his name may be changed to Lewis Ashton Thomas.

Ordered, That said petition be referred to the delegation from Dubuque county.

Mr. Rogers gave notice, that he would, on some future day, introduce a Bill to amend an act entitled "An Act subjecting real and personal estate to execution."

Mr. Culbertson, from the select committee to whom was referred the petitions of citizens of Wapello county, praying the organization of said county, reported No. 41. H. R. File, A Bill to organize the county of Wapello.

Mr. Wilson from the Committee on Roads and Highways, to whom was referred the petition of sundry citizens of Lee County, praying the relocation of a portion of the Territorial Road, running from Fort Madison to West Point, also the petition of citizens of Muscatine Co., praying for the relocation of a portion of the Territorial Road, from Wyoming to Iowa City, reported, that the Committee had had the same under consideration, and directed him to report, that it is inexpedient to grant the prayer of the said petitioners, for the reason, that the authority asked for, is given to the Board of Commissioners of the different Counties.

The Committee therefore asked to be discharged from the further consideration of the subject.

The House agreed to the report of the Committee.

Mr. Grimes, in accordance with previous notice, introduced No. 42, H. R. File, A Bill to organize the Burlington University, which was read a first time.

Mr. Thompson, from the Committee on the Judiciary, to whom was referred, No. 38, H. R. File, A Bill to amend an Act entitled An Act regulating Criminal Proceedings, reported, that the committee had had said Bill under consideration and directed him to report, that that part of the Bill which refers to cases past, is contrary to good policy, and that so far as it relates to future cases it is uncalled for, as there is another Bill now pending remyding the same defect. They therefore recommend the indefinite postponement of said Bill.

Which question being put, passed in the affirmative.

Yeas 17—Nays 8.

The Yeas and Nays being demanded by two members, those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Grimes, Hackle man, Johnson, Mitchell, McCleary, Smyth, Steele, Thompson, Wray, Wilson, and Carleton, (Speaker.)

Those who voted in the negative are

Messrs. Foley, Hebard, Nowlin, Robb, Roberts, Rogers, Walworth, and Wright.

Mr. Johnson from the Committee on Public Buildings, to whom was referred, No. 17, C. F. Joint Resolutions authorizing the Auditor of Public Accounts, to audit the account of Edwin Guthrie, for work done

on the Penitentiary, reported the same back to the House without amendment.

A message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

I herewith return An Act to amend An Act, entitled An Act districting the Territory into Electoral districts.

The same being signed by the President of the Council.

The Council have passed No. 22, C. F. "A Joint Resolution asking an appropriation to defray the expenses of a Treaty with the Pottawatomie Indians, and

No. 23, C. F. "A Joint Resolution authorizing the Auditor to audit certain warrants.

In which I am directed to ask the concurrence of the House.

And then he withdrew.

Mr. Walworth, from the Committee on Engrossed Bills reported, that the Committee had examined No. 2. H. R. File, A Bill to repeal the Charter of the Miners' Bank of Dubuque, &c., and found the same correctly engrossed.

Mr. Baker, from the select Committee, appointed for that purpose, introduced No. 43, H. R. File, "A Bill relative to religious societies.

No. 44, H. R. File, "A Bill donating certain property in Iowa City to the Mechanic's Mutual Aid Association.

No. 45, H. R. File, "A Bill attaching a portion of Washington Co., to the county of Johnson, and

No. 46, H. R. File, "A Bill to amend An Act for the election of Constables, and defining their duties.

Said Bills were severally read a first time.

The House resumed in Committee of the whole House the consideration of

No. 19. H. R. File" A Bill to confine the jurisdiction of Justices of the Peace and Constables, in certain cases, to their own Townships, &c. And after som time spent therein,

Mr. Speaker resumed the Chair, and Mr. Wilson reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same to the House with amendments, and ask its concurrence.

On motion of Mr. Nowlin,

Ordered, That the Bill be referred to a Select Committtee, and that he be excused from serving on said Committee.

Whereupon, Messrs. Thompson, Grimes, and Walworth were appointed said Committee.

No. 31, H. R. File, "A Bill defining the jurisdiction of the Supreme Court, and regulating the practice therein;"

Was read a second time, and referred to a Committee of the Whole House, and made the order of the day for Monday next.

On motion of Mr. Wilson, the House adjourned until 2 o'clock, P. M.

2 O'COLCK, P. M.

No. 34, H. R. File, "A Bill to organize the Militia of this Territory;" was read a second time; and,

On motion of Mr. Wilson,

Referred to a Committee of the Whole House, and made the order of the day for Tuesday next.

No. 35, H. R. file, "A Bill to incorporate the Farmington Academy and High School,"

Was read a 2d time.

On motion of Mr. Robb,

The Bill was amended by adding the following section, to wit: That any future Legislature may amend, alter, or repeal this act.

The Bill was then ordered to be engrossed and read a third time on Monday next.

No. 36, H. R. file, "A Bill to locate a Territorial Road from Wapello, Louisa county, to Augusta, in Des Moines county."

Was read a 2d time, and,

On motion of Mr. Grimes,

Referred to the delegations from Des Moines and Louisa counties.

No. 37, H. R. File, "A Bill to legalize Deeds and other instruments of writing;" was read a second time, and,

On motion of Mr. Thompson,

The House resolved itself into a Committee of the whole House on said Bill.

After some time spent therein, Mr. Speaker resumed the chair, and Mr. Culbertson reported, that the Committee had according to order, had said Bill under consideration, had made one amendment thereto, and directed him to report the same to the House, and ask its concurrence.

The House concurred in the report of the Committee.

On motion of Mr. Thompson,

Ordered, That the Bill be engrossed and read a 3d time on Monday.

No. 39, H. R. File, "A Bill requiring the District Court to entertain jurisdiction of causes brought up to said Court by appeal or certiorari, from Justices of the Peace, &c.,"

Was read a second time, and ordered to be engrossed for a third reading on Monday next.

No. 1, H. R. file, "A Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same."

Was read a 3d time.

And the question being put, Shall the Bill pass?

It passed in the affirmative. Yeas 18, Nays 7.

The Yeas and Nays being demanded by two members

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly. Borland, Brophy, Culbertson, Foley, Hackleman, Johnson, McCleary, Nowlin, Roberts, Rogers, Smyth, Thompson, Wray, Wright, and Carleton, [Speaker.]

Those who voted in the negative are,

Messrs. Grimes, Hebard, Mitchell, Robb, Steele, Walworth, and Wilson.

So the bill passed, and the title was agreed to.

No. 21, H. R. File, "A Bill to authorize Aaron Street, Jr., as administrator of Peter Boyer, deceased, to make a title to certain real estate," was read a third time.

And the question being put, Shall the Bill pass?

It passsed in the affirmative. Yeas 15, Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Culbertson, Foley, Hackleman, Johnson, McCleary, Nowlin, Robb, Roberts, Steele, Thompson, Wilson, Wray, and Wright.

Those who voted in the negative, are,

Messrs. Bonney, Borland, Brophy, Grimes, Hebard, Mitchell, Rogers, Smyth, Walworth, and Carleton, (Speaker.)

So the Bill passed.

No. 22, H. R. File, "A Bill to establish a Territorial Road from Iowaville, on the Des Moines river, to the Missouri line."

No. 23, H. R. File, "A Bill to organize the counties of Keokuk and Mahaska."

No. 24, H. R. file, "A Bill to legalize the acts of John A. Drake and Samuel B. Ayres, acting Justices of the Peace.

No. 26 H. R. File, "A Bill for the relief of Thomas Summerline, Collector of Van Buren county.

No. 32, H. R. File, "A Bill to incorporate the Mechanics' Institute of Burlington."

No. 2, C. F. "Joint Resolutions relative to the sale of tools and other property belonging to the Territory.

No. 11, C. F. "A Bill to authorize David B. Anderson and Henry C. Anderson, to keep a Ferry across the Mississippi river opposite the lower end of Burlington."

No. 13, C. F. "A Bill to locate and establish a Road from the lower end of Burlington to D. B. Anderson's Mill."

No. 17, C. F. "Joint Resolution, authorising the Auditor of Public Accounts to audit the account of Edwin Guthrie for work done on the Penitentiary."

Said Bills were severally read a third time, and passed.

Ordered, That the Clerk acquaint the Council accordingly.

No. 10, C. F. "A Bill to authorize Rachael Hamilton, administratrix of the estate of James Hamilton, deceased, to sell and convey certain real property therein named,"

Was read a third time.

And the question put, Shall the bill pass?

It passed in the affirmative. Yeas 13, Nays 12.

The yeas and nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Brierly, Foley, Hackleman, Johnson, McCleary, Nowlin, Robb, Roberts, Steele, Wilson, Wray, and Wright.

Those who voted in the negative, are,

Messrs. Bonney, Borland, Brophy, Culbertson, Grimes, Hebard, Mitchell, Rogers,Smyth, Thompson, Walworth, and Carleton, (Speaker.)

So the Bill passed.

No. 14, C. F. "A Bill to authorize Guy Wells and James Wilson to establish and keep a Ferry across the Mississippi river at Fort Madison, in Lee county,"

Was read a third time, and,

On motion of Mr. Rogers,

Referred to the delegation from Lee county.

A motion was made by Mr. McCleary to reconsider the vote by which the House indefinitely postponed

No. 38, H. R. File, "A Bill to amend an act entitled An Act regulating Criminal Proceedings."

A motion was made by Mr. Rogers, that the motion to re-consider be laid on the table, and passed in the affirmative.

Yeas 16—Nays 9.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are,

Messrs. Baker, Bonney, Brierly, Borland, Foley, Hackleman, Hebard, M'Cleary, Nowlin, Robb, Roberts, Rogers, Walworth, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negtaive are,

Messrs. Brophy, Culbertson, Grimes, Johnson, Mitchell, Smyth, Steele, Thompson, and Wilson.

A motion was made by Mr. Bonney, to take from the table,

The motion made some days since by Mr. Thompson to reconsider the vote on the passage of No 7, H. R. File, "An act to change the time of holding the General Election," and was decided in the affirmative.

The question then recurred on the motion to reconsider the vote on the passage of the Bill and was decided in the negative.

So the bill passed.

Mr. Foley presented the account of Doolittle and Munson, for engraving Seals for the Courts of Delaware and Clinton counties, which was referred to the Committee on claims.

Mr. Nowlin from the Committee on Claims, to whom was referred a certain communication from John M. Coleman, Territorial Agent, in relation to the act. of Messrs. A. Shawk, & Co. of Cincinnatti for locks and bolts for State House, - - - $79,25
Also, an act. of Mr. Greenwood of Cincinnati for butts, - 20,25

Making in all, $99,50

Reported as follows:

Your Committee have carefully examined several letters of correspondence, and have had a personal interview with John M. Coleman Territorial Agent, and W. B. Snyder, Superintendent of Public Buildings, and find the following facts to exist, that some time in the year 1842 a conversation took place between John M. Coleman, Territorial Agent, Wm. B. Snyder Superintendent of Public Buildings, and Mr. Thomas Snyder, in relation to procuring locks, bolts, and butts, for the lower part of the State House, and it was agreed upon, that Mr. Thos. Snyder should draw on Messrs A. Shawk & Co., for said locks, &c., and that the same should be charged to the Territory. A memorandom was made out, and Mr. T. Snyder, drew for the same. Messrs. A. Shawk & Co. did procure all the articles named in said memorandom, (the butts being furnished by Mr. Greenwood as per account,) and put them in one box, shipped them on the steam boat Boston.

Your Committee would further state, that the Boston sunk on its trip from Cincinnati to St. Louis, and that by contract with the Boston, the Diving Bell Company became the owner of three-fourths of all the goods recovered from said wreck. This box was recovered and sold in St. Louis for $40—12 of which is due the owner of said box, and yet in the hands of said Bell Company. From all the facts above alluded to, your Committee are fully of the opinion that the above accounts should be audited and paid.

The House concurred in the Report of the Committee.

Mr. Walworth, from the Committee on Engrossed Bills, reported, that the Committee had examined Nos. 29, 35, 37 and 39 H. R. file, and found the same correctly engrossed.

On motion of Mr. Robb,

The House adjourned until Monday at 10 o'clock A. M.

Monday Morning, January 15, 1844.

Mr. Thompson presented the petition of 87 citizens of New London Township, in Henry county, praying the Legislative Assembly to enact a Law, reducing the width of the Highways in said township to sixty feet.

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Culbertson presented the petition of 68 citizens of Jefferson county, praying the unconditional repeal of the "Valaution Law."

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. Culbertson presented the petition of citizens of Jefferson, Wa-

pello and Mahaska counties, praying for the establishment of a Territorial Road from Fairfield to the mouth of Whitebreast in Mahaska county.

Ordered, That said petition be referred to a select Committee composed of the delegations from Jefferson and Washington counties.

Mr. Robb gave notice, that he would on to-morrow, ask leave to introduce "A Bill to incorporate the Common School Assocation, in Henry county.

Mr. Hebard gave notice that he would, on some future day, introduce "A Bill defining lawful fences, and regulating division fences between contiguous lands, belonging to different owners.

Mr. Brierly, from the select Committee, to whom was referred, No. 14, C. F. "A Bill to authorize Guy Wells and James Wilson, to establish and keep a Ferry across the Mississippi river at Fort Madison, in Lee county, reported the same back with an amendment.

Which was read a first time.

Mr. McCleary from the select Committee to whom was referred No. 36 H. R. File, "A Bill to locate a Territorial Road, from Wapello, in Louisa county, to Augusta, in Des Moines county, reported the same back with an amendment.

Which was read a first time.

The Speaker laid before the House a Communication from J. E. Davidson, Secretary of the Iowa City Literary Institute, notifying the members of the Legislative Assembly of their election as Honorary members of said society.

No. 22, C. F. "A Joint Resolutions asking an appropriation, to defray the expenses of a Treaty with the Potawattomie Indians.

No. 23, C. File, "A Joint Resolution authorizing the Auditor to Audit certain Warrants.

Said Joint Resolutions were severally read a first time.

The Resolution offered by Mr. Hebard on the 8th of Dec. relative to an adjournment, being the order of the day, was taken from the table.

A motion was made by Mr. Walworth, that the 20th of January be stricken out, and the 30th of January be inserted.

When, Mr. Baker made a motion that said Resolution do lie upon the table.

Which motion having precedence was put and passed in the affirmative.

No. 31, H. R. File, "A Bill defining the Jurisdiction of the Supreme Court, and regulating the practice therein," being the order of the day, was referred to a Committee of the whole House.

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Walworth, reported that the Committee had according to order, said Bill under consideration and, directed him to report the same to the House, with sundry amendments, and ask its concurrence,

Pending which,

On motion of Mr. Robb,

The Bill was laid on the table.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

I am directed to inform the House that the Council have concurred in the amendment made by the House to,

No. 2, C. F. "Joint Resolutions relative to the sale of tools and other property belonging to the Territory of Iowa."

And have also concurred in all the amendments of the House to,

No. 11, C. F. "A Bill to authorize David B. Anderson and Henry C. Anderson, to keep a Ferry across the Mississippi river, opposite the lower end of Burlington."—except the last amendment to which they have disagreed.

And then he withdrew.

On motion of Mr. Rogers,

The House adjourned until to-morrow morning at 10 o'clock.

Tuesday Morning, January 16, 1844.

In consequence of the indisposition of the Speaker, the House was called to order by the Chief Clerk.

On motion of Mr. Wright,

Ordered, That Mr. Rogers be appointed Speaker, pro tem.

Mr. Bonney presented the petition of 198 citizens of Van Buren county, praying that a law may be enacted, authorizing the raising of the Dams, now chartered on the Des Moines river, three feet.

Ordered, That said petition be referred to the Committee on Corporations.

Mr. Borland presented the petition of 70 citizens of Van Buren county, praying the repeal, or modification, of the Valuation Law.

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. Brophy, from the Committee on Agriculture reported

No. 47, H. R. "A Bill to improve the breed of cattle, sheep, and hogs," which was read a first time.

Mr. Nowlin, from the Committee on Claims, reported

No. 48, H. R. File, "Joint Resolution, providing for the payment to Doolittle & Munson, for certain Seals."

Mr. Robb, in accordance with previous notice, introduced

No. 49, H. R. File, "A Bill to incorporate the Common School Association of Henry county.

Mr. Brophy, in accordance with notice given, introduced

No. 50, H. R. File, "A Bill to repeal an act, entitled An Act for the prevention of certain immoral practices."

Said Bills were severally read a first time.

No. 11, C. F. "A Bill to authorize David B. Anderson and Henry C. Anderson to keep a Ferry across the Mississippi river, opposite the lower end of Burlington," in which the Council disagreed to the amendment made by the House, was taken up.

A motion was made by Mr. Hackleman, that the House do recede from their amendment, which is in the words following:

"That any future Legislature may alter, amend, or repeal this act."

Which passed in the affirmative.

Yeas 13, Nays 11.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brierly, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Robb, Roberts, Steele, Walworth, Wilson, and Wright.

Those who voted in the negative are,

Messrs. Baker, Bonney, Borland, Brophy, Culberston, Foley, Nowlin, Rogers, Smyth, Thompson, and Wray.

So the House receded from said amendment.

No. 34, H. R. File, "A Bill for an act to organize the Militia of this Territory," being the order of the day,

Was referred to a Committee of the Whole House for the consideration of the same. And after some time spent therein,

Mr. Speaker resumed the chair, and Mr. Nowlin reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same to the House, and ask leave to sit again on Friday next. Leave was granted.

No. 36, H. R. File, "A Bill to locate a Territorial Road from Wapello, in Louisa county, to Augusta, in Des Moines county;"

Was read a second time, and,

On motion of Mr. McCleary,

Ordered to be engrossed and read a 3d time to-morrow.

No. 40, H. R. File, "A Bill, vesting in married women all property acquired by them in their own right, either before or after marriage;"

Was read a second time, and referred to a Committee of the Whole House, and made the order of the day for Thursday next.

No. 31, H. R. File, "A Bill defining the Jurisdiction of the Supreme Court," &c. was,

On motion of Mr. Grimes,

Taken from the table, and the amendments made on yesterday, in Committee of the Whole House, concurred in.

On motion of Mr. Baker,

Ordered, That the bill be engrossed, and read a third time on Friday next.

A message from the Council, by Mr. Wallace, their Secretary:

Mr. Speaker:

I herewith present for your signature,

An Act to authorize Rachael Hamilton, administratrix of the estate

of James Hamilton, deceased, to sell and convey certain real property therein named.

An Act to locate and establish a Road from the lower end of Burlington to David B. Anderson's Mill, and

Joint Resolution, authorising the Auditor of Public Accounts to audit the account of Edwin Guthrie for work done on the Penitentiary.

The Council have also passed

No. 20, C. File, "A Bill for the relief of Chancey Swan."

In which I am directed to ask the concurrence of the House.

No. 21, H. R. File, "A Bill to authorize Aaron Street, Jr., as administrator of Peter Boyer, deceased, to make a title to certain real estate, in and near Salem, in Henry county."

I am also directed to inform the House, that the Council have reconsidered their vote concurring in the amendment of the House to

No. 2, C. F. "Joint Resolutions relative to the sale of tools and other property belonging to the Territory,"

And have laid the same upon the table.

And then he withdrew.

A motion was made by Mr. Nowlin, to take from the table the Resolution relative to the printing of the Journals of the House.

Pending which, On motion of Mr. Baker,

The House adjourned until 2 o'clock, P.M.

2 O'COLCK, P. M.

No. 41. H. R. File, "A Bill to organize the county of Wapello," was read a 2d time, and referred to a Committee of the Whole House.

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Grimes reported, that the Committee had, according to order, had said Bill under consideration, had made one amendment thereto, and directed him to ask the concurrence in the same.

The House concurred in the report of the Committee.

On motion of Mr. Robb,

Ordered, That the bill be re-committed.

No. 42, H. R. File, "A Bill to incorporate the Burlington University," was read a second time.

A motion was made by Mr. Brophy, to amend the bill, by adding the following section, to wit:

That any future Legislature may amend or repeal this act.

And passed in the affirmative, Yeas 13, Nays 11.

The yeas and nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Foley, Hackleman, Nowlin, Rogers, Smyth, Thompson, Wray, and Wright.

Those who voted in the negative, are,

Messrs. Brierly, Grimes, Hebard, Johnson, Mitchell, McCleary, Robb, Roberts, Steele, Walworth, and Wilson.

On motion of Mr. Grimes,

Ordered, That the bill be engrossed, and read a third time to-morrow.

No. 43, H. R. File, "An Act relative to religious societies,"

Was read a second time; and,

On motion of Mr. Thompson,

Referred to the Committee on the Judiciary.

Mr. Robb, from the Committee on Enrolled Bills, reported, that the Committee had examined

An Act to authorize Aaron Street, Jr., as administrator of Peter Boyer, deceased, to make a title to certain real estate, and found the same correctly enrolled.

The Speaker signed said act.

No. 44, H. R. File, "A Bill donating certain property in Iowa City to the Mechanic's Mutual Aid Association,"

Was read a second time, and,

On motion of Mr. Grimes,

Ordered to lie upon the table.

No. 45, H. R. File, "A Bill to attach a portion of Washington county to the county of Johnson," was read a 2d time. and,

On motion of Mr. Baker,

Ordered to be engrossed, and read a third time to-morrow.

No. 46, H. R. File "A Bill to amend An Act for the election of Constables, and defining their duties,"

Was read a second time, and,

On motion of Mr. Grimes,

Referred to a Select Committee, with instructions to report, by bill, providing that Constable's bonds shall be made payable to the Trustees of the Township in which they may be elected, and deposited with the township Clerk.

Messrs. Baker, Nowlin, and Foley were appointed said Committee.

A motion was made by Mr. Nowlin, to take from the table a Resolution relative to the printing of the Journals.

Which was decided in the negative.

No. 14, C. F. "A Bill to authorize Guy Wells and James Wilson, to establish and keep a Ferry across the Mississippi river at Fort Madison, was read a 2d time, and

On motion of Mr. Brierly,

Ordered to be read a third time to-morrow.

No. 22, C. F. "A Joint Resolution asking an appropriation, to defray the expenses of a Treaty with the Potawattomie Indians,"

Was read a 2d time, and,

On motion of Mr. Bonney,

Referred to a Select Committee, viz: Messrs. Bonney, Grimes, and Baker.

On motion of Mr. Brierly,

No. 12, C. F. "A Bill to change the name of William B. Peck and Ann M. Peck," was taken from the table, and, after being slightly amended, was

Ordered to be read a third time to-morrow.

No. 23, C. File, "A Joint Resolution authorizing the Auditor to Audit certain Warrants," was read a second time.

And referred to the Committee on Public Buildings.

No. 29, H. R. File, "A Bill to organize the county of Davis, and to provide for the location of the Seat of Justice thereof," was read a third time, and after filling a blank, was passed.

Ordered, That the Clerk notify the Council accordingly.

On motion of Mr. Foley,

No. 6, C. F. "A Memorial to Congress relative to the formation of a Constitution and State Government," was taken from the table, and referred to a committee of the Whole House, and made the order of the day for to-morrow.

On motion of Mr. Bonney,

The House adjourned until to-morrow morning at 10 o'clock.

Wednesday Morning, January 17, 1844.

Mr. Hackleman presented the petition of 15 citizens of Des Moines county, praying that the Law authorizing the opening of private Roads, may be so altered, as to allow to remain open all section lines where the same may be necessary.

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. McCleary, gave notice, that he would on some future day introduce, "A Bill to incorporate the Grand View Literary and Philosophical Society.

Mr. Thompson gave notice, that he would, on some future day introduce, "A Bill, regulating marriages and dispensing with licenses therefor.

Mr. Walworth, from the Committee on Engrossed Bills, reported,

No. 30, H. R. File, "A Bill to enable settlers on public lands, to recover value for their improvements."

No. 36, H. R. File, "A Bill to locate a Territorial Road from Wapello in Louisa county, to Augusta, in Des Moines county."

No. 42, H. R. File, "A Bill to incorporate the Burlington University," also,

No. 45, H. R. File, "A Bill attaching a portion of Washington Co., to the county of Johnson," as correctly Engrossed.

Mr. Culbertson, from the Committee to whom was referred

No. 41, H. R. File. "A Bill to organize the county of Wapello," reported the same back with one amendment, which was read a first time.

Mr. Thompson, from the Committee on the Judiciary, to whom was referred the petition of the administrators of John Jones, deceased, also of the stockholders of the Grand View Seminary, praying the passage of a Law, authorizing the said administrators, to make a deed to certain lots in Grand View.

Reported the same back to the House, and recommended that said petition be referred to the delegation from Louisa county.

The House concurred in the report of the Committee.

Mr. Thompson from the Committee on the Judiciary reported,

No. 51, H. R. File, "A Bill relative to religious societies."

Mr. Johnson, in accordance with previous notice, introduced

No. 52, H. R. File, "A Bill to abolish capital punishment."

Said Bills were severally read a first time,

No. 20, C. F. "A Bill for the relief of Chauncy Swan," was read a first time.

No. 6, C. F. "A Memorial to Congress relative to the formation of a Constitution and State Government, being referred to a Committee of the whole House,

After some time spent therein, Mr. Speaker resumed the chair, and Mr. Bonney reported, that the Committee had, according to order, had said Memorial under consideration, and directed him to report the same to the House without amendments.

A motion was made by Mr. Robb, to strike out the 45th parallel of latitude, as the northern boundary of the State, and insert the following, to wit:

To the mouth of the St. Peters river, thence up the middle of main channel of the St. Peters river to its junction with the Blue earth river, thence up the Blue earth river to the 44th parallel of north latitude, thence along said parallel to the Missouri river. And was decided in the negative. Yeas 11—Nays 14.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brierly, Culbertson, Grimes, Hebard, Johnson, Mitchell, Robb, Roberts, Steele, Wilson, and Carleton, (Speaker.)

Those who voted in the negative are

Messrs. Baker, Bonney, Borland, Brophy, Foley, Hackleman, McCleary, Nowlin, Rogers, Smyth, Thompson, Walworth Wray, and Wright.

On motion of Mr. Foley,

Ordered, That the 42d rule be suspended, and the Memorial read a third time now.

The Memorial was then read a third time, and passed.

No. 12, C. File, "A Bill to change the name of William B. Peck."

Was read a third time, and passed.

No. 14, C. F. "A Bill to authorize Guy Wells and James Wilson to establish and keep a Ferry across the Mississippi river at Fort Madison, in Lee county,"

Was read a third time, and,

The question being put. Shall the Bill pass?

It passed in the affirmative. Yeas 18, Nays 6.

The Yeas and Nays being demanded by two members

Those who voted in the affirmative are,

Messrs. Baker, Brierly. Foley, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Roberts, Steele, Thompson, Walworth, Wilson, Wray, Wright, and Carleton, [Speaker.]

Those who voted in the negative are,

Messrs. Bonney, Borland, Brophy, Culbertson, Rogers, and Smyth.

So the bill passed.

No. 30, H. R. File, "A Bill to enable settlers on the public lands to recover value for their improvements."

No. 33, H. R. File, "A Resolution to provide for the payment of the Reports of the Supreme Court.

No. 35, H. R. file, "A Bill to incorporate the Farmington Academy and High School,"

No. 36, H. R. file, "A Bill to locate a Territorial Road from Wapello, Louisa county, to Augusta, in Des Moines county."

No. 37, H. R. File, "A Bil to legalize Deeds, and other instruments of writing."

No. 39, H. R. File, "A Bill requiring the District Court to entertain jurisdiction of causes brought up to said Court by appeal or certiorari, from Justices of the Peace, &c.,"

No. 42, H. R. File, "A Bill to incorporate the Burlington University."

No. 45, H. R. File, "A Bill to attach a portion of Washington county, to the county of Johnson."

Said Bills were severally read a third time, and passed.

Ordered, That the Clerk notify the Council accordingly.

No. 47, H. R. File, "A Bill to improve Cattle, Sheep, and Hogs," was read a second time and referred to a Committee of the whole House.

After some time spent therein, Mr. Speaker resumed the chair, and Mr. Borland reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same back to the House without amendment.

On motion of Mr. Brophy,

Ordered, That said Bill be referred to a select Committee of one from each electoral district.

A motion was made by Mr. Hebard that said Committee be instructed to embrace rams only in said Bill, which was decided in the negative.

Messrs. Brophy, Hebard, Wilson, Bonney, Smyth, Roberts, Nowlin, Foley and McCleary, were appointed said Committee.

No. 48 H. R. File, "A Resolution to provide for the payment of Doolittle and Munson, for engraving Seals," was read a second time, and

Ordered, to be engrossed and read a third time to-morrow.

No. 49, H. R. File, "A Bill to incorporate the Common School Association, of Henry county," was read a second time, and,

Ordered, to be Engrossed and read a third time to-morrow.

No. 50, H. R. File, "A Bill to repeal the An Act, for the prevention of certain immoral practices," was read a second time.

A motion was made by Mr. Wilson that the bill be laid upon the table, which was decided in the negative.

Yeas 11—Nays 13.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are,

Messrs. Brierly, Borland, Grimes, Hackleman, Johnson, Robb, Smyth, Steele, Thompson, Wilson and Carleton, (Speaker.)

Those who voted in the negtaive are,

Messrs. Baker, Bonney, Brophy, Culbertson, Foley, Mitchell, M'Cleary, Nowlin, Roberts, Rogers, Walworth, Wray, and Wright.

On motion of Mr. Brophy,

Ordered, That the Bill be referred to a Committee of the whole House, and made the order of the day for Monday next.

On motion,

The House adjourned until to-morrow morning at 10 o'clock

Thursday Morning, January 18, 1844.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed

No. 31, C. F. "A Bill to district the county of Scott, for the election of County Commissioners.

Also, with amendments,

No. 82, H. R. "A Bill to incorporate the Burlington Mechanics' Institute."

In which I am directed to ask the concurrence of the House.

The Council have also passed

No. 24, H. R. file, "A Bill to legalize the acts of John A. Drake and Samuel B. Ayres, acting Justices of the Peace," and

No. 26. H. R. File, "A Bill for the relief of Thomas Summerline, Collector of Van Buren county.

Mr. Speaker presented the petition of 196 citizens of the Territory, praying the incorporation of the Botanic Medical Society of Iowa Territory.

Ordered, That said petition be referred to the Committee on Incorporations.

Mr. Borland presented the petition of 19 citizens of Van Buren county, praying that Susan C. McDonald may be divorced from her husband, Alexander McDonald.

A motion was made by Mr. Borland, that the petition be referred to

the Committee on the Judiciary.

Which passed in the negative.

On motion of Mr. Grimes,

Ordered, That the petitioners have leave to withdraw their petition.

On motion of Mr. Carleton,

Resolved, That the Secretary of the Territory be authorized to pay Peter Conboy twelve dollars for six days' services, in making and keeping up fires in the Secretary's office, and in the two Houses.

Mr. Grimes gave notice, that he would, at some future day, introduce, A bill to amend an act entitled "An Act for the relief of the poor."

On motion of Mr. Grimes,

Resolved, That a Select Committee, composed of one from each electoral district, be appointed to take into consideration the necessary changes of time in holding the District Courts in this Territory, and report by bill or otherwise.

Messrs. Grimes, Brierly, Bonney, Culbertson, Wilson, McCleary, Baker, Fay, Smyth, Rogers, Foley, Brophy, Mitchell, and Carleton, were appointed said Committee.

Mr. Bonney, from the Select Committee, to which was referred No. 22, C. F. reported a substitute therefor, entitled No. 10, H. R. File, "A Joint Resolution, asking Congress for an appropriation to defray the expenses of a Treaty with the Pottowatomie Indians.

Also, asking the removal of the Missouri, Sac and Fox, and Iowa Indians.

Which was read a first time.

Mr. Grimes, from the Select Committee to which was referred No. 19, H. R. File, reported a substitute therefor, entitled

No. 54, H. R. file, "A Bill amendatory of an Act to provide for the election of Justices of the Peace, to prescribe their powers and duties," &c., which was read a first time.

Mr. Bonney asked and obtained leave of absence for Mr. Wray.

Mr. McCleary, in accordance with previous notice, introduced

No. 55, H. R. File, "A Bill to incorporate the Grandview Literary and Philosophical Society of Louisa county,"

Which was read a first time.

Mr. Wilson, from the Committee to which was referred the petition of sundry ministers and citizens, praying the passage of a law, granting licensed Ministers the privilege of passing all Ferries and Bridges, free of toll, reported, that they had carefully considered the same, and are fully aware that the class of men for whom this privilege is sought are worthy, intelligent, and eminently useful members of the body politic, that liberty only is safe in that country where the altars of religion are watched and guarded by holy men. You Committee are also of opinion, that ministers of the gospel among us, though the most worthy, receive the least remuneration for their labor and sacrifices.

But while your Committee hold these opinions, they conceive it would be impolitic to grant the prayer of the petitioners, and would most respectfully offer the following reasons for not granting the said prayer.

First: the wide door it would open for fraud and imposition—for nothing more would be necessary for any person to procure a passage, toll free, over rivers or bridges, than to forge a license, if he see proper so to do, and palm himself off as a preacher of the gospel.

Second: Useful and pious ministers, where they are known, will rarely be charged toll or ferriage; and where they are not known, their respective denominations generally provide that the expense is not burdensome to them.

In view of these considerations, your Committee recommend that the petitioners have leave to withdraw their petition, and that the Committee be discharged from any further consideration of the subject.

The report of the Committee was concurred in.

Mr. Baker, from the Select Committee, to which was referred No. 46, H. R. File, reported a substitute therefor, entitled

No. 56, H. R. File, "A Bill to amend an act for the election of Constables, and defining their duties;"

Which was read a first time.

Mr. Johnson, from the Committee on Public Buildings, to whom was referred

No. 23, C. F. "A Joint Resolution authorizing the Auditor to audit certain Warrants;"

Reported the same back without amendment.

Mr. Walworth, from the Committee on Engrossed Bills, reported

No. 48, H. R. File, Joint Resolutions, providing for the payment of Doolittle and Munson, for certain Seals, as correctly engrossed.

A motion was made by Mr. Robb, to re-consider the vote on the passage of

No. 30, H. R. File, "A Bill to enable settlers on the Public Lands to recover value for their improvements."

Mr. Nowlin being in the Chair, officiating as Speaker, decided that inasmuch as the bill had gone to the Council, it was not within the control of the House; therefore the motion was out of order.

From which decision Mr. Grimes took an appeal; and, after debate,

The question was put, Shall the decision of the Chair stand as the judgment of the House?

And passed in the affirmative. Yeas 16, Nays 7.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Borland, Brophy, Culbertson, Foley, Hackleman, Johnson, McCleary, Roberts, Rogers, Smyth, Thompson, Walworth, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are,

Messrs. Bonney, Grimes, Hebard, Mitchell, Nowlin, Robb, Steele, and Wilson.

So the decision of the Chair was sustained.

No. 40, H. R. File, "A Bill vesting in married women all property acquired by them in their own right, either before or after marriage,"

was referred to a Committee of the Whole House for the consideration of the same. After some time spent therein,

Mr. Speaker resumed the chair, and Mr. Walworth reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same to the House, and ask leave to sit again this afternoon.

Leave was granted.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

I am directed to present, for your signature,

An Act to change the name of Wm. B. Peck and Ann M. Peck;

An Act to authorize David B. Anderson and Henry C. Anderson to keep a Ferry across the Mississippi river, opposite the lower end of Burlington; and,

A Memorial to Congress, relative to the formation of a Constitution and State Government.

And then he withdrew.

The Speaker then signed said Bills.

On motion,

The House adjourned until 2 o'clock, P. M.

2 O'COLCK, P. M.

Mr. Brierly presented the petition of 668 citizens of Lee county, residents on the Half-Breed Tract, praying for a division of said county, and that the line known as the line between the Half-Breed Tract and the balance of the county, be the northern line of the new country, and that the Seat of Justice may be located by a majority of the citizens thereof.

Ordered, That the petition be referred to the delegation from Lee county.

Mr. McCleary, with leave, introduced

No 57, H. R. File, "A Bill to authorize the administrators of John Jones, deceased, to make a title to certain real estate in Grandview, Louisa county;"

Which was read a first time.

The House resumed. in Committee of the Whole House, the consideration of No. 40 H. R. File, "A Bill vesting in married women all property, acquired by them in their own right, either before or after marriage.

After some time spent therein, Mr. Speaker resumed the chair, and Mr. Walworth reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same to the House with one amendment, and ask its concurrence.

The House conurred in the report of the Committee.

On motion of Mr. Foley,

Ordered, That said bill be referred to the Committee on the Judiciary.

On motion of Mr. Robb,
The House adjourned until to-morrow morning at 10 o'clock.

Friday Morning, January 19, 1844.

Mr. Hackleman, on leave being granted, introduced,
No. 58 H. R. File, "Joint Resolution providing for the publication of the Laws of the present session."
Mr. Robb, by leave of the House introduced,
No. 59, H. R. File, "Joint Resolution authorizing the Secretary of the Territory, to contract for the publication of the Laws, and the Journals, of the two Houses, for the present session."
Said Resolutions were severally read a first time.
On motion of Mr. Bonney,
Ordered, That the Committee on Territorial Affairs be instructed to enquire into the expediency of Memorializing Congress, to amend the "Pre-emption Law, so that persons settling on Public Lands, before the survey of the same," may be entitled to all the rights and privileges of said law.
Mr. Thompson gave notice, that he would, on some future day, introduce,
A Bill to amend "An Act to prevent and punish gaming," approved 13th Feb. 1843.
Mr. Grimes, from the Committee on Corporations, to whom was referred the petition of citizens of the Territory, praying the Incorporation of the Botanic Medical Society of Iowa Territory, reported,
No. 60, H. R. File, "A Bill to incorporate the Iowa Botanic Medical society, which was read a first time.
Mr. Foley, from the Committee on Township and county Boundaries, to whom was referred the petition of 119 citizens of Clinton county, praying the re-location of the seat of Justice of said county, also, the remonstrance of 196 citizens of said county, remonstrating against the re-location.
Reported, That the Committee, after bestowing that consideration upon the subject, which the importance of the case demands, have arrived at the conclusion that it is inexpedient and improper to grant the prayer of said petition, and recommended that the petitioners have leave to withdraw their petition, and that the Committee be discharged from the further consideration thereof.
Ordered, That the report of the Committee be concurred in.
Mr. Walworth, from the Committee on Engrossed Bills, reported,
No. 31, H. R. File, "A Bill defining the Jurisdiction of the Supreme Court, and regulating the practice therein," as correctly engrossed.

Mr. Hebard, from the Joint Committee on Enrollments, reported, that the Committee did, on the 17th inst., present to the Governor for his approval,

"An Act to authorize Aaron Street Jr. as administrator of Peter Boyer deceased, to make a title to certain Real Estate, in and near Salem, in Henry county."

Mr. Hebard also reported, as correctly enrolled,

"An Act for the relief of Thomas Summerlin, collector of Van Buren county."

The Speaker signed said act,

Mr. Brophy, from the select Committee, to which was referred,

No. 47, H. R. reported a substitute therefor, entitled No. 61, H. R. File, "A Bill for the improvement of Sheep."

Mr. Rogers, from the Committee on Territorial Affairs, reported as follows:

The Committee on Territorial Affairs, to whom was referred the petition of Malcolm Murray, late of the firm of Murray and Sanxay, praying for interest upon Territorial scrip, report that they have investigated the matter and find that during the years of '39 and '40, the twenty thousand dollars, appropriated by Congress, for the erection of the Capitol at Iowa City, together with all the monies received from the sales of the said years, were expended; they further find that during the session of the Legislature of '40 and '41 a loan was authorized to be effected by the Territorial Agent, not exceding in amount the sum of twenty thousand dollars, for the further prosecution of the work—that the Territorial Agent failing to affect a loan to the full amount authorized by the Legislature, resorted to the expedient of issuing Territorial Scrip—that the firm of Murray and Sanxay, anxious to render the object of the Territorial Agent effective, and believing that the Legislature would throw no impediment in the way of the speedy redemption of the Scrip, readily received the same, in all their business transactions, the same as cash. In this, however, they were disappointed, for the Legislature, at the session of '41 and '42, repealed the law authorizing the loan, and directed the subsequent sale of lots to be made for work and labor on the Capitol. Through these means the ability of the Agent to redeem the scrip was entirely destroyed, and the firm of Murray and Sanxay was left, according to the Report of the Territorial Agent, with a large amount in their hands. By that Report it appears that the average amount in their possession during the year of '42 was about two thousand dollars, and that for the year '43, about one thousand five hundred dollars.

Your Committee would further state, that there is still the sum of thirteen hundred and sixty five dollars unredeemed, and for which the Territorial Agent gave the said Murray and Sanxay a certificate of indebtedness.

Your Committee, in view of all the circumstances, think the prayer of the petition ought to be granted, and have therefore directed me to report the following entitled bill.

No. 62, H. R. File, "A Bill for the relief of Malcom Murray, late of the firm of Murray and Sanxay.

Mr. Rogers introduced,

No. 63, H. R. File, "A Bill to change the name of Avery Thomas."

Said Bills were severally read a first time.

No. 32, H. R. "A Bill to incorporate the Mechanics' Institute, of Burlington," as amended by the Council, was taken up and concurred in.

No. 31, C. F. "A Bill to district the county of Scott, for the election of County Commissioners," was read a first time.

No. 34, H. R. File, "A Bill to organize the Militia of this Territory," being the order of the day, was referred to a Committee of the whole House, for the consideration of the same.

After some time spent therein, Mr. Speaker resumed the chair, and Mr. Thompson reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same back to the House without amendment.

On motion of Mr. Grimes,

Ordered, That the Bill be referred to a Committee of one from each electoral district.

Whereupon, Messrs. Baker, Roberts, Bonney, Grimes, Wilson, Culbertson, McCleary, Fay, Walworth, Mitchell, Brophy, Foley and Rogers, were appointed said Committee.

No. 20, C. F. "A Bill for the relief of Chauncey Swan."

No. 23, C. File, "A Joint Resolution authorizing the Auditor to audit certain Warrants."

Were severally read a second time; and,

Ordered to be read a third time to-morrow.

No. 41, H. R. File, "A Bill to organize the county of Wapello,"

Was read a second time, and,

On motion of Mr. Culbertson,

Ordered to be engrossed, and read a third time to-morrow.

On motion of Mr. Grimes,

No. 44, H. R. File, "A Bill donating certain property in Iowa City to the Mechanic's Mutual Aid Association,"

Was taken from the table, and after being slightly amended.

A motion was made by Mr. Grimes that the bill be indefinitely postponed.

Which was decided in the negative.

Yeas 6, Nays 18.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Grimes, Mitchell, Nowlin, Robb, Rogers, and Steele.

Those who voted in the negative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culberston, Foley, Hackleman, Hebard, Johnson, McCleary, Roberts, Smyth, Thompson, Walworth, Wilson, Wright, and Carleton [Speaker.]

On motion of Mr. Carleton,

Ordered that the Bill be engrossed and read a 3d time to-morrow.

A message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed.

No. 25, C. F. "A Bill to locate a Territorial Road from Fairfield, in Jefferson county, to the Raccoon Fork of the Des Moines river."

Also with amendments.

No. 23, H. R. File, "A Bill to organize the counties of Mahaska and Keokuk."

In which I am directed to ask the concurrence of the House.

And then he withdrew.

On motion of Mr. Mitchell,

The House adjourned until to-morrow morning at 10 o'clock.

Saturday Morning, January 20, 1844.

The Judiciary Committee, to whom was referred the petition of Thomas Hare, praying the Legislature to enact a law, legaliztng his marriage with Eliza Jane Willis, which was solemnized on the 8th day of October, 1843, by an ordained minister of the gospel, who had not produced to the Clerk of the District Court credentials of his having been a regularly ordained minister, nor received a license to solemnize marriages within this Territory as required by law, have had the same under consideration, and have directed me to report, That such an act of the Legislature is unnecessary; that according to the petitioner's representation, the minister was, in all other respects than having obtained a lincense therefor, qualified to solemnize marriages.

In the absence of all other objections, said marriage is strictly legal and obligatory on the parties and the issue thereof. The objection goes only to the oonduct of the minister, who is prohibited under a penalty, from solemnizing marriages without first having obtained such license. If he has failed to comply with the law, he alone is guilty, not the parties or their offspring.

Resolved, That the petitioner have leave to withdraw his petition.

The report was concurred in.

Mr. Johnson, from the Committee on Public Buildings, submitted the following report:

The Committee on Public Buildings, to whom was referred the report of the Territorial Agent, beg leave, most respectfully. to report—

That your Committee are of opinion, that in order to pay the debt due by the Territory to the Miners' Bank of Dubuque, it would be expedient to authorize the Territorial Agent, to sell a sufficient number of the unsold lots to pay said debt, at two-thirds of the minimum price

of said lots, or to offer to said Bank any of said unsold lots that any authorized agent might select on the same terms: provided said agent should select a sufficient number of lots to pay the whole debt.

Your Committee would further recommend that the proceeds of the sales of those lots that have been sold for labor and materials for the Capitol, be so applied as to finish that portion of the work which will suffer most injury by remaining unfinished; and in view of the present embarrassed condition of the finances of the Territory, believing that little or no progress can be made in the public buildings during the coming season, your Committee would most respectfully recommend a reduction of the salary of the Territorial Agent, and therefore beg leave to report the following entitled bill. All of which is most respectfully submitted.

No. 64, H. R. File, "A Bill authorizing the Territorial Agent to sell lots in Iowa City to discharge the debt due the Miners' Bank of Dubuque."

Mr. Wilson, from the Committee on Roads and Highways, introduced,

No 65, H. R. File, "A Bill to locate a Territorial Road from Davenport to Iowa City."

Said bills were read a first time.

Mr. Walworth, from the Committee on Engrossed Bills, reported that they had examined No. 41, 44, 49, H. R. File, and found the same correctly engrossed.

A motion was made by Mr. Bonney that the rules be suspended for the time being, in order that Mr. Roberts might introduce a bill, and was decided in the affirmative.

Mr. Roberts then introduced,

No. 66, H. R. File, "A Bill to amend an act entitled 'An Act to incorporate the Farmers' Half Breed Land Company, in the county of Lee;" which was read a first time.

Mr. Hebard, from the Committee on Enrolled Bills, reported that they had examined.

An Act to legalize the acts of John A. Drake and Samuel B. Ayres, acting Justices of the Peace.

An Act to incorporate the Burlington Mechanics' Institute, and found the same correctly enrolled.

The Speaker then signed said acts.

Mr. Foley, in accordance with previous notice, introduced

No. 67 H. R. File, "A Bill to incorporate the Dubuque, Clayton, Delaware, and Jackson Mutual Fire Insurance Company;"

Which was read a first time.

No. 25, C. File, "A Bill to locate a Territorial Road from Fairfield, in Jefferson county, to the Indian Agency, at the Raccoon Fork of the Des Moines river;"

Was read a first time.

No. 23, H. R. File, "A Bill to organize the counties of Keokuk and Mahaska, being returned from the Council with several slight

amendments, were all concurred in, except that made to the 13th section, to wit: Striking out the name of John Grimsley, and inserting that of Ebenezer Perkins, as one of the Commissioners to locate the Seat of Justice of Mahaska county.

Which was disagreed to.

No. 51, H. R. File, "A Bill in relation to religious societies."

No. 53, H. R. File, "A Joint Resolution asking Congress for an appropriation, to defray the expenses of a Treaty with the Potawattomie Indians; also, asking the removal of the Missouri, Sac and Fox, and Iowa Indians."

No. 55, H. R. File, "A Bill to incorporate the Grandview Literary and Philosophical Society of Louisa county."

No. 56, H. R. File, "A Bill to amend an act entitled 'An Act for the election of Constables, and defining their duties;"

Were severally read a second time, and ordered to be engrossed and read a third time on Monday next.

No. 52, H. R. File, "A Bill to abolish capital punishment;"

Was read a second time, and,

On motion of Mr. Robb,

Referred to the Committee of the Whole House, and made the order of the day, for Thursday next.

No. 54, H. R. File, "A Bill amendatory of an act entitled 'An Act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings."

Was read a second time; and,

On motion of Mr. Grimes,

Referred to the Committee of the Whole House, and made the order of the day for Tuesday next.

No. 57, H. R. File, "A Bill to authorize the administrators of John Jones, dec'd, to make a title to certain Real Estate in Grandview, Louisa county;"

Was read a second time, and,

On motion of Mr. Nowlin,

Laid on the table.

No. 58, H. R. File, "A Joint Resolution, providing for the publication of the laws of the present session.

Was read a second time.

A motion was made by Mr. Brierly, that the resolution be laid upon the table;

Which was decided in the negative. Yeas 11, Nays 12.

The yeas and nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, McCleary, Roberts, Steele, Thompson, Wilson, and Carleton, (Speaker.)

Those who voted in the negative, are,

Messrs. Brophy, Foley, Grimes, Hackleman, Nowlin, Robb, Rogers, Walworth, and Wright.

A motion was made by Mr. Hackleman, to print 3000 copies of the laws.

Which was decided in the negative.

A motion was made by Mr. Walworth, to print 2500 copies;

Which passed in the affirmative.

A motion was made by Mr. Bonney, to postpone the further consideration of the resolution until Tuesday next;

Which was decided in the negative,

Yeas 10, Nays 13.

The Yeas and Nays being demanded by two members

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, McCleary, Roberts, Thompson, and Carleton, Speaker.

Those who voted in the negative are,

Messrs. Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, Nowlin, Robb, Rogers, Steele, Walworth, Wilson, and Wright.

A motion was made by Mr. Brierly, to strike out of the resolution the name of James Clarke, and insert that of R. W. Allbright;

Which was decided in the negative.

Yeas 7, Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Roberts, and Steele.

Those who voted in the negative are

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Thompson, Walworth, Wilson, Wright, and Carleton, Speaker.

A motion was then made by Mr. Brierly, to strike out the name of James Clarke, and insert that of Hughes and Williams.

Mr. Grimes called for a division of the question, first on striking out.

The question was then taken on striking out the name of James Clarke, and was decided in the negative.

Yeas 8, Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Roberts, Thompson, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Steele, Walworth, Wilson, and Wright

A motion was made by Mr. Bonney, that the House do now adjourn.

Which was decided in the negative.

Yeas 9, Nays 14.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, McCleary, Roberts, Thompson, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, Nowlin, Robb, Rogers, Steele, Walworth, Wilson, and Wright.

A motion was made by Mr. Grimes, that the resolution be engrossed and read a third time on Monday next;

And was decided in the affirmative.

Yeas 17, Nays 6.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Steele, Thompson, Walworth, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, and Roberts.

So the resolution was ordered to be engrossed.

A motion was made by Mr. Baker, that the House do now adjourn.

Which was decided in the negative.

Yeas 6, Nays 17.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Borland, Culbertson, Thompson, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Brierly, Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Rogers, Steele, Walworth, Wilson, and Wright.

A motion was made by Mr. Brierly, that the rules be suspended for the time being, for the purpose of taking from the table the resolution relative to the printing of the Journal of the House.

Which was decided in the affirmative.

Yeas 16, Nays 7.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brierly, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Rogers, Steele, Walworth, Wilson, and Wright.

Those who voted in the negative are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Thompson, and Carleton, (Speaker.)

So the rules were suspended.

On motion of Mr. Brierly,

Said resolution was then taken from the table.

A motion was made by Mr. Nowlin, to strike out of the resolution the name of R. W. Allbright;

Which was decided in the affirmative.

Yeas 18, Nays 5.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brophy, Culberston, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Thompson, Walworth, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Bonney, Brierly, Borland, Roberts, and Steele.

So the name of R. W. Albright was stricken out.

A motion was made by Mr. Nowlin, to fill the blank with the names of Wilson and Keesecker; which was decided in the affirmative.

Yeas 15, Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Steele, Walworth, Wilson, and Wright.

Those who voted in the negative, are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Roberts, Thompson, and Carleton, (Speaker.)

A message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed.

No. 36, H. R. File, "A Bill to locate a Territorial Road from Wapello, in Louisa county, to Augusta, in Des Moines county."

Also, with amendments;

No. 35, H. R. File, "A Bill to incorporate the Farmington Academy and High School."

In which the concurrence of the House is requested.

The Council have also passed

No. 1, H. R. File, "A Bill to repeal the Charter of the Miners' Bank, of Dubuque, and to provide for winding up the affairs of the same," with amendments.

And then he withdrew.

A motion was made by Mr. Baker, that the House do now adjourn until Monday morning at 10 o'clock,

Which was decided in the negative.

Yeas 7—Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are,

Messrs. Baker, Brierly, Borland, Culbertson, Roberts, Thompson, and Carleton, (Speaker.)

Those who voted in the negtaive are,

Messrs. Bonney, Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, M'Cleary, Nowlin, Robb, Rogers, Steele, Walworth, Wilson and Wright.

The Resolution relative to the printing of the Journal, still being under consideration,

A motion was made by Mr. Rogers, to strike out the words "editor of the Lee County Democrat," and insert "editors of the Miners' Express." Pending which.

A motion was made by Mr. Carleton, that the Resolution be laid on the table. Which was decided in the negative.

Yeas 9—Nays 14.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, McCleary, Roberts, Thompson, and Carleton, (Speaker.)

Those who voted in the negative are

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, Nowlin, Robb, Rogers, Steele Walworth, Wilson, and Wright.

So the House refused to lay the Resolution on the table.

The question then recurred on Mr. Rogers' motion to strike out and insert.

Mr. Carleton, called for a division of the question first on striking out the words "editor of the Lee County Democrat."

Which question was taken, and decided in the affirmative.

Yeas 14, Nays 9.

The yeas and nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Walworth, Wilson, and Wright.

Those who voted in the negative are,

Messrs. Baker, Bonney, Brierly. Borland, Culbertson, Roberts, Steele, Thompson, and Carleton, [Speaker.]

A motion was made by Mr. Carleton to fill the blank with the words, "editor of the Standard,"

Which question was taken and decided in the negative.

Yeas 5—Nays 18.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Culbertson, Thompson and Carleton [Speaker.]

Those who voted in the negative are,

Messrs, Bonney, Borland, Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Rogers, Steele, Walworth, Wilson and Wright.

The question then recurred on Mr. Rogers' motion to fill the blank with the words, "editors of the Miners' Express,"

And was decided in the affirmative.

Yeas 17—Nays 6.

The Yeas and Nays being demanded by two members.

Tho who voted in the affirmative are.

Messrs. Bonney, Brophy, Foley, Grimes, Hackleman, Hebard, John-

son, Mitchell, McCleary, Nowlin, Robb, Rogers, Steele, Thompson, Walworth, Wilson and Wright.

Those who voted in the negative are,

Messrs. Baker, Brierly, Borland, Culbertson, Roberts, and Carleton (Speaker.)

A motion was made by Carleton, to postpone the further consideration of the Resolution, until Thursday next;

Which was decided in the negative.

Yeas 9—Nays 14.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, McCleary, Roberts, Thompson, and Carleton [Speaker.]

Those who voted in the negative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, Nowlin, Robb, Rogers, Steele, Walworth, Wilson, and Wright.

A motion was made by Mr. Carleton, that the House do now adjourn until Monday morning at 10 o'clock.

Which was decided in the negative.

Yeas 8—Nays 15.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Roberts, Thompson and Carleton [Speaker.]

Those voted in the negative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Steele, Walworth, Wilson, and Wright.

So the House refused to adjourn.

On motion of Mr. Walworth,

The Resolution was amended, by inserting the words "of the present session." "And conditions established by law."

A motion was then made by Mr. Carleton, that the Resolution be indefinitely postponed.

Which was decided in the negative.

Yeas 8—Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affimartive are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Roberts, Thompson and Carleton [Speaker.]

Those who voted in the negative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Steele, Walworth, Wilson and Wright.

A motion was made by Mr. Carleton, that the Resolution be referred to a Select Committee with instructions to ascertain amongst the several printers in the Territory, who will print the Journals the cheapest.

Which was decided in the affirmative.

Yeas 12—Nays 11.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Micthell, Robb, Roberts, Steele, Thompson, and Carleton [Speaker.]

Those who voted in the negative are,

Messrs. Foley, Grimes, Hackleman, Hebard, Johnson, McCleary, Nowlin, Rogers, Walworth, Wilson and Wright.

A motion was made by Mr. Nowlin, that Messrs. Walworth, Brophy, and Rogers be the Committee.

Pending which.

A motion was made by Mr. Brophy, to reconsider the vote on referring the Resolution to a Select Committee, when,

A motion was made by Mr. Carleton, to lay the motion of reconsideration on the table. And was decided in the negative.

Yeas 8—Nays 15.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Roberts, Thompson and Carleton, [Speaker.]

Those who voted in the negative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Steele Walworth, Wilson, and Wright.

The question was then taken, on reconsidering the vote, referring the resolution to a select Committee.

And was decided in the affirmative.

Yeas 14—Nays 9.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, McCleary, Nowlin, Robb, Rogers, Steele, Walworth, Wilson, and Wright.

Those who voted in the negative are.

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Mitchell, Roberts, Thompson, and Carleton (Speaker.)

The queston then recurred, Shall the Resolution be referred to a Select Committee. And was decided in the negative.

A motion was made by Mr. Brierly that the House do now adjourn.

Which was decided in the negative. Yeas 9—Nays 14.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, McCleary Roberts, Thompson, and Carleton, [Speaker.]

Those who voted in the negative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson,

Mitchell, Nowlin, Robb, Rogers, Steele, Walworth, Wilson and Wright.

The question then recurred, Shall the Resolution be adopted, when,

Mr. Nowlin called the previous question, and the call being seconded by a majority of the members present;

The question was then put, Shall the main question be now put?

And was decided in the affirmative.

Yeas 14, Nays 9.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, McCleary, Nowlin, Robb, Regers, Steele, Walworth, Wilson, and Wright.

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Mitchell, Roberts, Thompson, and Carleton, (Speaker.)

The question was then put, Shall the resolution be adopted?

And was decided in the affirmative.

Yeas 17, Nays 6.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Steele, Thompson, Walworth, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, and Roberts.

So the resolution was adopted, in the words following:

Resolved, That Wilson & Keesecker, editors of the Miners' Express, print two hundred 40 copies of the Journals of this House, of the present session, and deliver the same to the Secretary of the Territory, within three months after the adjournment of the Legislature, and that the Secretary of the Territory pay the said Wilson & Keesecker according to the prices and conditions established by law.

A motion was made by Mr. Grimes, to re-consider the vote on the adoption of the resolution, when

Mr. Carleton made a motion to lay the motion to re-consider on the table, which was decided in the negative.

The question was then taken on the motion of Mr. Grimes to reconsider the vote on the adoption of the resolution, and was decided in the negative.

And then, on motion of Mr. Carleton,

The House adjourned until Monday morning, at 10 o'clock.

Monday Morning, January 22, 1844.

Mr. Hackleman presented the petition of 160 citizens of Des Moines county, praying the Legislative Assembly to so amend the law for opening private Roads, as to authorize the opening of all Section Lines where it is deemed necessary.

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. McCleary presented the petition of the Stockholders of the Grand-view Seminary, praying an amendment to their charter;

Which was referred to the Committee on Corporations.

Mr. Walworth presented the petition of 67 citizens of Jones county, praying the re-location of the Seat of Justice of said county, by disinterested Commissioners, or by the voters of said county.

Which was referred to the delegation from Cedar, Linn, and Jones counties.

Mr. Brierly presented the petition of 196 citizens of Lee county, praying that an act may be passed to divide said county.

Which was referred to the delegation from Lee county.

Mr. Baker presented the petition of 30 citizens of Washington, Keokuk, and Mahaska counties, praying for the passage of an act, to locate a Territorial Road, from Iowa City to the mouth of the Whitebreast, on the Des Moines river.

Which was referred to the Committee on Roads and Highways.

Mr. Smyth presented the petition of 30 citizens of Cedar and Linn counties, praying the passage of an act, to legalize the location of a Territorial Road, from Bellview to Iowa City.

Which was referred to the Committee on Roads and Highways.

Mr. Mitchell presented the petition of 53 citizens of Scott county, praying the passage of an act, guaranteeing to married women, all the property they may be legally possessed of at the time of their marriage, or may become possessed of, either by inheritance, or deed of gift.

Which was referred to the Committee on the Judiciary.

Mr. Brierly gave notice, that he would at some future day, introduce, A Memorial to Congress, asking for the establishment of a mail route across the Mississippi river at the town of Montrose, and, for the establishment of a Post Office at Nashville.

A motion was made by Mr. Thompson, to reconsider the vote on the adoption of a Resolution, providing for the printing of the Journal of the House, on Saturday last.

Pending which.

On motion of Mr. Wright,

A call of the House was had, when it appeared that,
Messrs. Fay and Grimes were absent.

The Sergeant-at-Arms was directed to compell to attendance of the absentees. After a short time Mr. Grimes appearing, and Mr. Fay being unable to attend in consequence of sickness, the further proceedings in the call were,

On motion of Mr. McCleary, suspended.

The question then recurred on the motion to reconsider the vote on the passage of said Resolution.

And was decided in the negative,

Yeas 8, Nays 16.

The Yeas and Nays being demanded by two members

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Borland, Culbertson, Roberts, Smyth, Thompson, and Carleton, Speaker.

Those who voted in the negative are,

Messrs. Bonney, Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Steele, Walworth, Wilson, and Wright.

So the vote was not reconsidered.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed with, amendments,

No. 42, H. R. File, "An act to incorporate the Burlington University."

In which the concurrence of the House is requested.

Also without amendment.

No. 7, H. R. File, "An act to change the time of holding the General Election."

The Council have passed.

No. 5, C. File, "A Bill to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a Constitution for the State of Iowa."

In which the concurrence of House is requested.

I am directed to inform the House that the Council have adhered to their amendment to the 13th section of

No. 23, H. R. "A Bill to organize the counties of Keokuk and Mahaska."

And then he withdrew.

Mr. Smyth gave notice, that he would, on to-morrow introduce "A Memorial to Congress, asking them to liquidate the debts incurred by previous Legislatures."

Mr. Culbertson, in accordance with previous notice, introduced,

No. 68, H. R. File, "A Bill to extend the Territorial Road, from Mt. Pleasant, to the Indian Boundary line."

Mr. Rogers, with leave of the House, introduced,

No, 69, H. R. File, "A Bill to punish the obstructing of public Roads, &c."

Mr. Wilson from the Committee on Roads and Highways reported,

No. 70, H. R. File, "A Bill to locate and establish a Territorial Road from Brighton, in Washington county, to the county seat of Mahaska county."

Said Bills were severally read a first time.

Mr. Robb, from the Committee on Finance, reported back to the House.

No. 11, H. R. File, "A Bill to provide for assessing and collecting public revenue," with amendments.

Which were read a first time.

Mr. Walworth from the Committee on engrossed bills reported.

Nos. 53, 56, 58, H. R. File, as correctly engrossed.

A motion was made by Mr. Thompson to reconsider the vote taken on Saturday last, ordering,

No. 58, H. R. File, "A Resolution, authorizing the publication of the laws," to be engrossed and read a third time to day, and after debate,

A motion was made by Mr. Thompson, to postpone the further consideration of the question of reconsideration until Monday next.

Which was decided in the negative.

Yeas 10—Nays 14.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, McCleary, Roberts, Smyth, Thompson, and Carleton [Speaker.]

Those who voted in the negative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, Nowlin, Robb, Rogers, Steele, Walworth, Wilson, and Wright.

The question then recurred on the motion to reconsider,

And was decided in the negative.

Yeas 10—Nays 14.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, McCleary, Roberts, Smyth, Thompson, and Carleton (Speaker.)

Those who voted in the negative are.

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, Nowlin, Robb, Rogers, Steele, Walworth, Wilson, and Wright.

So the pote was not reconsidered.

No. 1, H. R. File, "A Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same," being returned from the Council with amendments,

A motion was made by Mr. Rogers, that the bill be laid on the table until Tuesday the 30th inst.

Which was decided in the affirmative.

Yeas 14, Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Foley, Johnson, McCleary, Nowlin, Roberts, Rogers, Smyth, Thompson, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Brierly, Grimes, Hackleman, Hebard, Mitchell, Robb, Steele, Walworth, Wilson, and Wright.

No. 35, H. R. File, "A Bill to incorporate the Farmington Academy, and High School," as amended by the Council, was concurred in.

No. 50, H. R. File, "A Bill to repeal An act entitled An act for the prevention of certain immoral practices,

Being the order of the day,

A motion was made by Mr. Brophy that the consideration of the bill be postponed until Wednesday next.

Which was agreed to.

No. 59, H. R. File, "A Joint Resolution authorizing the Secretary of the Territory, to contract for the publication of the Journals of the two Houses.

Was read a second time, and,

On motion of Mr. Grimes,

Referred to a select Committee viz:

Messrs. Grimes, Thompson and Robb.

No. 60, H. R. File, "A Bill to incorporate the Iowa Botanic Medical Society."

Was read a second time,

And after being slightly amended, the question was put,

Shall the bill be engrossed and read a third time to-morrow,

Which was decided in the affirmative.

Yeas 21—Nays 3.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Grimes, Hackleman, Hebard, Johnson, McCleary Nowlin, Robb, Roberts, Rogers, Smyth, Steele, Thompson, Walworth, Wilson Wright, and Carleton, [Speaker.]

Those who voted in the negative are,

Messrs. Brophy, Foley, and Mitchell.

The following bills to wit:

No. 61 H. R. File, "A Bill for the improvement of Sheep.

No. 62, H. R. File, "A Bill for the relief of Malcom Murray."

Were severally read a second time, and ordered to be laid on the table.

On motion of Mr. Bonney,

The House adjourned until 2 o'clock P. M.

2 O'COLCK, P. M.

No. 63, H. R. File, "A Bill to allow Avery Thomas to change his name;"

Was read a 2d time, and ordered to be engrossed and read a third on to-morrow.

No. 64, H. R. File, "A Bill authorizing the Territorial Agent to sell lots in Iowa City, to discharge the debt due the Miners' Bank of Dubuque;"

Was read a second time.

On motion of Mr. Johnson,

The first section was amended by striking out all after the enacting clause, and inserting the following: That the Territorial Agent is hereby authorized and empowered to sell on the first Monday of May next, all lots in Iowa City, which have been forfeited by non-payment, under the condition of the several sales heretofore made, together with a sufficient number of the unsold lots in said city, at two-thirds of the present fixed minimum price, to discharge the debt due the Miners' Bank of Dubuque, and other debts due for work and materials for the Capitol; one-third of the purchase money to be paid at the time of sale, the balance in equal divisions, in six and twelve months.

On motion of Mr. Bonney,

Ordered, That the further consideration of the bill be postponed until Wednesday the 31st inst.

No. 65, H. R. file, "A Bill to locate a Territorial Road from Davenport to Iowa City;"

Was read a second time, and,

On motion of Mr. Mitchell,

Ordered to be engrossed and read a 3d time to morrow.

No. 66, H. R. File, "A Bill to amend an act to incorporate the Farmers' Half-Breed Land Company of Lee county;"

Was read a second time, and,

On motion of Mr. Steele,

Ordered to be engrossed and read a third time to morrow.

No. 67, H. R. File, "A Bill to incorporate the Dubuque, Clayton, Delaware, and Jackson Mutual Fire Insurance Company;"

Was read a second time, and after being slightly amended, was

Ordered to be engrossed and read a third time to-morrow.

No. 25, C. F. "A Bill to locate a Territorial Road from Fairfield, in Jefferson county, to the Indian Agency, at the Raccoon Fork of the Des Moines river;"

Was read a second time, and,

On motion of Mr. Culbertson,

Ordered to be read a third time to-morrow.

No. 31, C. File, "A Bill to district the county of Scott for the elec-

tion of County Commissioners;"

Was read a second time, and,

On motion of Mr. Mitchell,

The second section was amended by inserting the following, to wit:

That the Commissioner to be elected at the next election shall not be a resident of the district in which either of the Commissioners shall reside, whose term of office does not expire until after the year 1844.

On motion of Mr. Mitchell,

Ordered, That the bill be read a third time to-morrow.

The following bills, to wit:

No. 20, C. F. "A Bill for the relief of Chauncey Swan;

No. 23, C. F. "A Joint Resolution authorizing the Auditor to Audit certain Warrants;"

No. 31, H. R. File, "A Bill defining the jurisdiction of the Supreme Court, and regulating the practice therein;"

No. 41, H. R. File, "A Bill to organize the county of Wapello;"

No. 48, H. R. File, "A Joint Resolution, providing for the payment of Doolittle and Munson for certain Seals;"

No. 49, H. R. File, "A Bill to incorporate the Common School Association of Henry county;"

No. 53, H. R. File, "A Joint Resolution asking Congress for an appropriation, to defray the expenses of a Treaty with the Potawattomie Indians; also, asking the removal of the Missouri, Sac and Fox, and Iowa Indians;"

Were severally read a third time, and passed.

Ordered, That the Clerk request the concurrence of the Council therein.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

I herewith return

An Act to incorporate the Burlington Mechanics' Institute.

An Act for the relief of Thomas Summerlin, Collector of Van Buren county.

An Act to legalize the acts of John A. Drake and Samuel B. Ayres, acting Justices of the Peace.

All of which have been signed by the President of the Council.

And then he withdrew.

No. 44, H. R File, "A Bill donating certain property in Iowa City to the Mechanics' Mutual Aid Association;"

Was read a third time.

And the question being put, Shall the bill pass?

It passed in the affirmative.

Yeas 13, Nays 11.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Brophy, Culberston, Foley, Johnson, McCleary, Roberts, Smyth, Thompson, Walworth, Wilson, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Bonney, Borland, Grimes, Hackleman, Hebard, Mitchell, Nowlin, Robb, Rogers, Steele, and Wright.

No. 56, H. R. File, "A Bill to amend an act entitled 'An Act for the election of Constables, and defining their duties;"

Was read a third time, and,

On motion of Mr. Mitchell,

Referred to the Committee on the Judiciary.

No 58, H. R. File, "A Joint Resolution, providing for the publication of the Laws;"

Was read a third time.

A motion was made by Mr. Bonney, that the further consideration of the resolution be postponed until Tuesday the 30th inst.; which was decided in the negative.

Yeas 10, Nays 14.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, McCleary, Roberts, Smyth, Thompson, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, Nowlin, Robb, Rogers, Steele, Walworth, Wilson, and Wright.

The question was then put, Shall the Resolution pass?

And was decided in the affirmative.

Yeas 18, Nays 6.

The yeas and nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Bonney, Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Steele, Thompson, Walworth, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are,

Messrs. Baker, Brierly, Borland, Culbertson, Roberts, and Smyth.

So the resolution passed.

Ordered, That the Council be made acquainted therewith.

No. 42 H. R. File, "A Bill to incorporate the Burlington University, as amended by the Council;" was concurred in.

No. 5, C. F. "A Bill to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution for the State of Iowa;"

Was read a first time.

No. 23, H. R. File, "A Bill to organize the counties of Keokuk and Mahaska," having been returned from the Council with their amendment to the 13th section adhered to,

A motion was made by Mr. Baker, that the House insist upon its disagreement, and that a Committee of Conference be appointed in relation thereto.

To which the House agreed. Whereupon

Messrs. Baker, Rogers, and Smyth were appointed said Committee.

On motion of Mr. Steele,

No. 3, H. R. File, "A Bill to authorize Hugh Boyle and Ralph Bissell to erect a Dam across Skunk river, in Henry county, was taken from the table.

A motion was made by Mr. Rogers, that the bill be referred to the Committee on Corporations;

Which was decided in the affirmative.

Yeas 14, Nays 9.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Foley, Grimes, Hackleman, Hebard, Johnson, Micthell, Rogers, Smyth, and Walworth.

Those who voted in the negative are,

Messrs. Brierly, McCleary, Robb, Roberts, Steele, Thompson, Wilson, Wright, and Carleton, (Speaker.)

On motion of Mr. Brophy,

Ordered, That a petition, presented by him some time since, asking the passage of an act, to abolish the collection of all debts under 100 dollars, be taken from the table, and referred to a Select Committee of one from each Judicial District.

Messrs. Brophy, Baker, and Grimes, were appointed said Committee.

On motion of Mr. Wilson,

No. 16. H. R. File, "A Bill to amend certain acts, relating to Roads and Highways;" was taken from the table.

And the question being on concurring in the recommendation of a Committee, that all persons should work two days on the road instead of one, was put, and decided in the negative.

Yeas 8—Nays 14.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Borland, Culbertson, Foley, Hackleman, Robb, Roberts, Steele, and Wilson.

Those who voted in the negative are,

Messrs. Baker, Bonney, Brierly, Brophy, Grimes, Hebard, Johnson, Mitchell, McCleary, Rogers, Smyth, Thompson, Wright, and Carleton, (Speaker.)

The question was then taken on striking out "three days," and inserting "two days," in the 2d section, and was decided in the affirmative.

On motion of Mr. Johnson,

Ordered, That the bill be engrossed and read a third time to-morrow.

On motion of Mr. Wilson,

No. 7, C. F. "A Bill to amend an act to authorize Robert M. G. Patterson to establish and keep a Ferry;"

Was taken from the table.

A motion was made by Mr. Brophy, to add the following sect. to wit:
That any future Legislature may have the power to repeal, alter, or amend this act.

And was decided in the affirmative.

Yeas 13—Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Hackleman, Johnson, Rogers, Smyth, Thompson, and Wright.

Those who voted in the negative are,

Messrs. Grimes, Hebard, Mitchell, McCleary, Robb, Roberts, Steele, Walworth, Wilson, and Carleton, (Speaker.)

The question was then put, Shall the bill be read a third time to-morrow? And was decided in the affirmative.

Yeas 18—Nays 4.

The Yeas and Nays being demanded by two members,

Those who voted in the affimartive are,

Messrs. Baker, Brierly, Borland, Culbertson, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Robb, Roberts, Steele, Walworth, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Bonney, Brophy, Rogers, and Smyth.

On motion of Mr. Brierly,

No. 20, H. R. File, "A Bill to authorize John O'Hara, his heirs and assigns to establish and keep a Ferry across the Mississippi river at the town of Keokuk;"

Was taken from the table, and,

On motion of Mr. Rogers,

The following section was added to the bill, to wit:

Sec. 3. That any future Legislature may alter, amend or repeal this act.

The question was then put, Shall the bill pass?

It passed in the affirmative.

Yeas 16, Nays 6.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Borland, Culbertson, Foley, Grimes, Hackleman, Mitchell, McCleary, Robb, Roberts, Steele, Walworth, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Bonney, Brophy, Hebard, Johnson, Rogers, and Smyth.

So the bill passed.

Mr. Brierly, on leave of the House, introduced

No. 71, H. R. File, "A Resolution asking Congress for the establishment of a Post Route from Nauvoo, Ill., to Montrose, Iowa;"

Which was read a first time.

On motion of Mr. Brierly,

The House adjourned until to-morrow morning, at 10 o'clock.

Tuesday Morning, January 23, 1844.

A motion was made by Mr. Rogers to reconsider the vote taken on yesterday, on laying on the table until the 30th inst.

No. 1. H. R. File, "A Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same, and was decided in the affirmative.

The question then recurred,

Shall the bill be laid on the table until the 30th inst.

And was decided in the negative.

A motion was made by Mr. Hackleman, that the House concur in the amendment made by the Council to said bill.

Which was decided in the negative.

Yeas 11—Nays 14.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Brierly, Grimes, Hackleman, Hebard, Johnson, Mitchell, Robb, Steele, Walworth, Wilson, and Wright.

Those voted in the negative are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Fay, Foley, McCleary, Nowlin, Roberts, Rogers, Smyth, Thompson and Carleton [Speaker.]

Mr. Bonney gave notice that he would, on to-morrow, introduce a Bill to amend An Act entitled, An Act regulating Mills and Millers.

Mr. Hebard gave notice that he would on some future day introduce a bill defining the duties of County Surveyors.

Mr. Thompson gave notice that he would, at some future day, introduce, a Bill to amend An Act to establish new counties, and define their boundaries in the late cession from the Sac and Fox Indians, and for other purposes, approved Feb. 17. 1843.

Mr. Mitchell gave notice that he would, on some future day ,introduce a bill to abolish imprisonment for debt.

Mr. Walworth gave notice, that he would, on some subsequent day, introduce

A Bill to lay out and establish a Territorial Road, from the Rapids on the Cedar river, in Linn county, to the Rapids on the Wappesipinicon river, in Buchanan county.

Mr. Thompson, on leave, introduced

No. 72, H. R. File, "A Resolution, providing for the adjournment of the Legislature on the 1st Feb.

Mr. Smyth, on leave, introduced,

No. 73, H. R. File, "A Memorial to Congress, asking for an appropriation to pay the debts of previous Legislatures.

Said Resolution and Memorial were read a first time.

On motion of Mr. Johnson,

Resolved, That a Committee of three be appointed to revise and make such alteration in the law regulating Wills and Administrators as they may think proper and necessary, and report as soon as practicable.

Messrs. Hebard, Robb, and Mitchell, were appointed said Committee.

Mr. Brophy, on leave, introduced

No. 74, H. R. File, "A Resolution, relative to Mail Routes Nos. 4228 and 4506.

Mr. Hebard, on leave, introduced

No. 75, H. R. File, "A Bill to define lawful Fences, and restrain trespassing animals."

Mr. Rogers, on leave, introduced

No. 76, H. R. File, "A Bill to amend an act entitled 'An Act, subjecting real and personal estate to execution.

Mr. Thompson, on leave, introduced

No. 77, H. R. File, "A Bill amendatory of an act, subjecting real and personal estate to execution."

Mr. Nowlin, on leave, introduced

No. 78, H. R. File, "A Bill to organize the county of Delaware, and to provide for holding Court in the same.

Mr. Wilson, on leave, introduced

No. 79, H. R. "A Bill to legalize the location of a Territorial Road from Bellview to Iowa City."

Mr. Fay, on leave, introduced

No. 80, H. R. File, "A Bill to incorporate the subscribers for erecting a Dam across the Muscatine Slough."

Mr. Culbertson, on leave, introduced

No. 81, H. R. File, "A Bill to legalize the acts of James T. Harden, recorder of Jefferson county."

Said Bills were severally read a first time, and Nos. 76 and 77 were ordered to be printed.

Mr. Grimes, from the Committee on Corporations, to which was referred No. 3, H. R. File, "A Bill to authorize Hugh Boyle and Ralph Bissell to erect a Dam across Skunk river, in Henry county, reported the same back to the House without amendment.

Mr. Walworth offered the following:

Resolved, That the Secretary of the Territory be requested to inform this House, First: whether the laws passed and ordered to be printed at the last session of this Legislature have been printed and distributed according to law; and, secondly: whether the printers, Messrs. Hughes & Williams, before undertaking said printing made, and executed the proper bonds, as provided for by the general law upon the subject of public printing;

Which lies over one day under the rule.

Mr. Hebard, from the Committee on Enrolled Bills, reported, that they had examined

An Act to locate a Territorial Road from Wapello, in Louisa county, to Augusta, in Des Moines county, and found the same correctly enrolled.

The Speaker signed said act.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed

No. 21, C. File, "A Bill to incorporate the Toolesborough Manufacturing Company;"

No. 27, C. F. A Bill to amend an act entitled 'An Act relative to the Probate of Wills, Executors, Administrators.' &c.

No. 28, C. F. A Bill to amend an act entitled 'An Act subjecting real and personal estate to execution;' and

No. 30, C. F. A Bill to incorporate the Wappesipinicon Mill Company.

In all of which I am directed to ask the concurrence of the House.

And then he withdrew.

Mr. Mitchell, from the Committee on the Judiciary, reported back to the House,

No. 56, H. R. File, "A Bill to amend an act entitled An Act for the election of Constables and defining their duties, approved Jan. 24, 1839," with sundry amendments.

Mr. Walworth, from the Committee on Engrossed Bills, reported Nos. 16 and 63, H. R. File, as correctly engrossed.

No. 42 H. R. File, "A Bill to incorporate the Burlington University," being returned from the Council, with the following section stricken out to wit:

That any future Legislature may alter, amend, or repeal this act.

A motion was made by Mr. Grimes, that the House concur in said amendment.

Which was decided in the affimative.

Yeas 18, Nays 7.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Culbertson, Foley, Grimes, Hackleman, Hebard, Johnson, Micthell, McCleary, Nowlin, Robb, Roberts, Steele, Walworth, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Bonney, Borland, Brophy, Fay, Rogers, Smyth, and Thompson.

No. 54, H. R. File, "A Bill amendatory of an act entitled An Act to provide for the election of Justices of the Peace," &c., being the order of the day,

Was referred to a Committee of the Whole House for the consideration of the same. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Wilson reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House with one amendment.

In which the House concurred.

On motion of Mr. Rogers,

Ordered, That the bill be laid on the table, and that forty copies be printed.

No. 5, C. F. "A Bill to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution for the State of Iowa;"

Was read a second time.

On motion of Mr. Brierly,

Ordered, That the bill be referred to a Select Committee of one from each Electoral District. Whereupon,

Messrs. Brierly, Borland, Hackleman, Wilson, Culbertson, McCleary, Baker, Fay, Smith, Mitchell, Brophy, Foley, and Nowlin, were appointed said Committee.

No. 11, H. R. File, "A Bill to provide for assessing and collecting public revenue,"

Was read a second time, and referred to a Committee of the Whole House on Friday next.

No. 62, H. R. File, "A Bill for the relief of Malcolm Murray, late of the firm of Murray & Sanxey;"

Was read a second time.

A motion was made by Mr. Grimes, to amend the bill adding the following:

Provided, however, That the money, by this act allowed and appropriated, shall be paid only from the Territorial fund, for the erection of public buildings at Iowa City, without any pledge of the general faith of the Territory.

And was decided in the affirmative.

On motion of Mr. Carleton,

Ordered, That the bill be engrossed, and read a third time to-morrow.

No. 68, H. R. File, "A Bill to extend the Territorial Road from Mt. Pleasant to the mouth of the White-breast, in the county of Mahaska;"

Was read a second time, and,

On motion of Mr. Culbertson,

Ordered to be engrossed and read a third time to-morrow.

No. 69, H. R. File, "A Bill to punish for the obstructing of Roads," &c., was read a 2d time, and,

On motion of Mr. Rogers,

Ordered to be engrossed and read a 3d time to-morrow.

No. 70, H. R. File, "A Bill to locate a Territorial Road from Brighton, Washington county, to the County Seat of Mahaska county;"

Was read a 2d time, and,

On motion of Mr. Wilson,

Ordered to be engrossed and read a 3d time to-morrow.

No, 71, H. R. File, "A Resolution, asking Congress for the establishment of a Post Route from Nauvoo to Montrose;"

Was read a 2d time, and,

On motion of Mr. Brierly,

Ordered to be engrossed and read a 3d time to-morrow.

No. 7, C. F. "A Bill to amend an act entitled 'An Act to authorize Robert M. G. Pattersou to establish and keep a Ferry at the mouth of Nassau Slough.

No. 25, C. F. "A Bill to locate a Territorial Road from Fairfield in Jefferson county to the Indian boundary line.

No. 31, C. File, "A Bill to district the county of Scott for the election of County Commissioners;"

Were severally read a third time, and passed.

Ordered, That the Clerk make the Council acquainted therewith.

A motion was made by Mr. Rogers, to take from the table the motion made some days since, to reconsider the vote on.

No 38, H. R. File, "A Bill to amend an act entitled An Act regulating Criminal Proceedings;"

And was decided in the negative.

Yeas 11, Nays 14.

The yeas and nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Bonney, Fay, Foley, Hebard, McCleary, Nowlin, Robb, Rogers, Walworth, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are,

Messrs. Baker, Brierly, Borland, Brophy, Culbertson, Grimes, Hackleman, Johnson, Mitchell, Roberts, Smyth, Steele, Thompson, and Wilson.

So the motion to reconsider was not taken from the table.

On motion of Mr. Hebard,

The House adjourned until to-morrow morning, at 10 o'clock.

Wednesday Morning, January 24, 1844.

Mr. Foley presented the petition of the County Commssioners of Jackson county, praying the passage of a special act, requiring the township assessors of said county, to revalue the real estate of their respective townships, when they assess in the year 1844.

Which was laid on the table.

Mr. Robb, presented the petition of 180 citizens of Lee and Henry counties, praying that an act may be passed, to locate a Territorial Road, from Fort Madison in Lee county, to Salem in Henry county.

Which was referred to the Committee on Roads and Highways.

Mr. McCleary presented the account of Wm. H. Turner, for services rendered the last Legislature, as a Clerk.

Which was referred to the Committee on Claims.

Mr. Borland presented the petition of 66 citizens of the town of Farmington, praying for an amendment to the Act, incorporating said town, so that at every Annual election, the electors shall vote for or against the licensing of Groceries.

Mr. Brierly presented the petition of 80 citizens of the county of Lee, praying for a division of said county.

Which was referred to the delegation from said county.

The resolution offered on yesterday by Mr. Walworth, relative to the printing of the Laws of last session, being under consideration, was,

On motion of Mr. Rogers—laid on the table.

Mr. Smyth gave notice, that he would, at some future day, introduce,

"A Bill for the relief of Rev. Isaac Searles, minister of the Gospel; also,

"A Bill to legalize the acts of Justices of the Peace, and Constables, in certain cases."

Mr. Thompson, in accordance with previous notice, introduced,

No. 82, H. R. File, "A Bill to amend an act, entitled An act to establish new counties, and define their boundaries, in the late cession from the Sac and Fox Indians," and for other purposes, approved Feb. 17, 1843.

Which was read a first time.

Mr. Wilson, from the Committee on Roads and Highways, to whom was referred,

The petitions of sundry citizens of New London township in Henry county, asking the Legislative Assembly to take into consideration, the unnecessary width of the public Roads and Highways, asking that they may be reduced sixty feet.

Reported, that upon an examination of an act, for opening and regulating Roads and Highways, approved Feb. 1st, 1843,

They find the first section provides that, all county roads shall be sixty feet in width, and by the presentation of a petition to the County Commissioners, they may determine on a less number of feet.

The Committee believing the law already better than asked for, ask to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Grimes, from the Select Committee appointed for the purpose, on leave, introduced,

No. 83, H. R. File, "A Memorial to Congress, asking for a donation of land, for the Iowa City College."

Mr. Rogers, from the Committee on Territorial Affairs, submitted the following report.

The Committee on Territorial Affairs, to whom was referred a resolution, instructing them to inquire into the expediency of memorializing Congress, in relation to an amendment of the act of Congress, passed September 4th, 1841, providing for a distribution of the proceeds of the sales of the public lands, and for granting pre-emption rights to settlers thereon, so that persons settling on the public lands

before the survey of the same, may be entitled to all the rights and privileges of said law—have had the subject under consideration, and ask leave to report—

That, by the provisions of said act of Congress, a settler upon the public lands, prior to their survey, cannot be entitled to a pre-emption right thereto. In consequence of which, a settler on such lands is liable to lose them by a subsequent intrusion of another person, after the first occupant has greatly increased their value by cultivation and improvement. That by the removal of the Sac and Fox Indians, in May last, from lands purchased of them by the Government of the United States in the preceding year, a large addition of unoccupied country within the limits of the Territorial Government, offered to the emigrant from foreign shores and from neighboaing States, a very desirable field for agricultural industry, and for securing to himself and family subsistence and domestic comfort. The country thus opened to occupancy, comprises about 6,000,000 acres, and a large portion of it was immediately occupied by an industrious and hardy population, your Committee have not the means of stating accurately their numbers. It is supposed that they may amount to some 20,000. They went on to the lands prior to their survey, and expended their labor and money in making improvements. Your Committee think that justice to these individuals demands, that they should be entitled to pre-emption rights, and that the peace and prosperity of the Territory would be greatly promoted by extending to them the means now enjoyed of acquiring title to surveyed lands.

They therefore respectfully recommend the adoption of the following entitled memorial.

No. 84, H. R. File, "A Memorial to Congress, relative to granting the right of pre-emption to unsurveyed lands.

Mr. Baker from the Select Committee to whom was referred,

No. 27, H. R. File, reported a substitute therefor entitled,

No. 85, H. R. File, "Joint Resolution for the establishment of certain Post Routes.

Mr. Thompson ,on leave, introduced,

No. 86, H. R. File, "A Bill to amend the several acts for the incorparation of the town of Mount Pleasant.

Said Bills and Resolutions were read a first time.

Mr. Baker from the Select Commitee to which was referred

No. 34, H. R. File, "A Bill to organize the Militia," reported the same back to the House and recommended its passage.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passsed.

No. 34. C. F. A Joint Resolution, upon the subject of procuring from Congress compensation to the citizens of Iowa, for services rendered, and expenses incurred in defending the southern border of the Territory of Iowa.

In which the concurrence of the House is requested.

And then he withdrew.

The following, Bills to wit:

No 21. C. F. A Bill to incorporate the Toolesborough Manufacturing Company.

No. 27. A Bill to amend An Act, entitled An Act relative to the Probate of Wills, Executors, Administrators, &c.

No. 28. C. F. A Bill to amend An Act, entitled An Act subjecting real and personal estate to execution.

No. 30. C. F. A Bill to incorporate the Wappesipinicon Mill Company.

No. 34. C. F. A Joint Resolution upon the subject of procuring from Congress compensation for defending the southern border of the Territory,

Were severally read a first time.

Mr. Robb from the Committee on Enrolled Bills, reported that they had examined

An Act to incorporate the Burlington University, and found it correctly enrolled.

The Speaker then signed said Act.

No. 50. H. R. File, A Bill to repeal An Act, entitled An Act for the preventing of certain immoral practices, being the order of the day, was referred to a Committee of the whole House for the consideration of the same.

After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Brierly reported that the Committee had according to order had said bill under consideration, and directed him to report the same to the House; and ask leave to sit again this afternoon.

Leave was granted.

No. 3, H. R. File "A Bill to authorize Hugh Boyle and Ralph Bissell to erect a Dam across Skunk River, in Henry County."

Was read a second time.

A motion was made by Mr. Steele, that the bill be engrossed and read a third time to-morrow.

And was decided in the affirmative.

Yeas 6—Nays 18.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Borland, Foley, Grimes, Hackleman, Mitchell, McCleary, Nowlin, Robb, Roberts, Smyth, Steele, Thompson, Walworth, Wilson, Wright and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Bonney, Brophy, Culbertson, Fay, Johnson, and Rogers.

No. 54, H. R. File, "A Bill amendatory of an act entitled An Act to provide for the election of Justices of the Peace," &c.,

Was read a second time; and,

On motion of Mr. McCleary,

Referred to a Committee of the whole House, and made the order of

the day for Friday next.

No. 55, H. R. File, "A Bill to amend an act entitled An act for the Election of Constables and defining their duties, approved, January 24, 1839," as amended by the Committee on the Judiciary, was read, and concurred in,

And the bill ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Rogers,

Ordered, That the House adjourn until 2 o'clock, P. M.

2 O'COLCK, P. M.

The House resumed in Committee of the whole, the consideration of No. 50, H. R. File, "A Bill to repeal an act entitled An act for the prevention of certain immoral practies."

And after some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Brierly reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same to the House with all stricken out after the enacting clause.

A motion was made by Mr. McCleary, to concur in the report of the Committee by inserting the following:

That the sixth line of the first section of An act entitled "An act for the prevention of certain immoral practices, approved 10th, February 1843," be so amended as to read five dollars instead of *five years*.

And was decided in the affirmative.

Yeas 18, Nays 6.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brierly, Borland, Culbertson, Foley, Grimes, Hackleman, Johnson, McCleary, Nowlin, Robb, Roberts, Smyth, Steele, Thompson, Walworth, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Bonney, Brophy, Fay, Micthell, and Rogers.

A motion was mada by Mr. Thompson, that the bill be referred to a select Committee,

Which was decided in the negative.

A motion was made by Mr. Baker, to amend the Bill by adding the following words,

That no person shall kiss his wife, read newspapers, or any books, except religious books, and them approved by the Clergy, write letters, pick berries, tell jokes, or engage in any worldly conversation.

And was decided in the negative.

Yeas 3, Nays 21.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Brophy, and Mitchell.

Those who voted in the negative, are,

Messrs. Bonney, Brierly, Borland, Culbertson, Fay, Foley, Grimes, Hackleman, Johnson, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Steele, Thompson, Walworth, Wilson, Wright, and Carleton, (Speaker.)

A motion was made by Baker to add the following section.

It shall be the duty of all county and township officers, to see that this act is put in force, and if any officer shall refuse or neglect to put this act in force, he shall be deemed guilty of perjury, and punished accordingly.

Pending which,

A motion was made by Mr. Bonney, to strike out of the proposed amendment, the following words, "and if any officer shall refuse or neglect to put this act in force, he shall be deemed guilty of perjury, and punished accordingly."

Which was decided in the affirmative.

Yeas 17—Nays 7.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Hackleman, Johnson, Mitchell, McCleary, Roberts, Rogers, Steele, Walworth, Wilson, and Carleton [Speaker.]

Those voted in the negative are,

Messrs. Foley, Grimes, Nowlin, Robb, Smyth, Thompson and Wright.

The question was then taken on the remainder of the amendment proposed by Mr. Baker.

And was decided in the negative.

Yeas 6, Nays 18.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brophy, Foley, Hackleman and Mitchell.

Those who voted in the negative, are

Messrs. Brierly, Borland, Culbertson, Fay, Grimes, Johnson, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Steele, Thompson, Walworth, Wilson, Wright, and Carleton, (Speaker.)

Mr. Thompson proposed to amend the bill; when,

Mr. Grimes called for the previous question, and the call being seconded by a majority of the members present,

The question was put, shall the main question be now put?

And was decided in the affirmative,

Yeas 17—Nays 7.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Bonney, Brierly, Borland, Culbertson, Grimes, Hackleman, Johnson, McCleary, Nowlin, Robb, Roberts, Smyth, Steele, Walworth, Wilson, Wright and Carleton (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Brophy, Fay, Foley, Mitchell, Rogers, and Thompson.

The previous question was then put.

Shall the bill be engrossed and read a third time to-morrow.

And was decided in the affirmative.

Yeas 18—Nays 6.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Bonney, Brierly, Borland, Culbertson, Grimes, Hackleman, Johnson, McCleary, Nowlin, Robb, Roberts, Smyth, Steele, Thompson, Walworth, Wilson, Wright and Carleton (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Brophy, Fay, Foley, Mitchell and Rogers.

Mr. Walworth, from the Committee on engrossed Bills reported, that they had examined, Nos. 51, 55, 60, 62, 66, 67 and 68, H. R. File, and found the same correctly engrossed.

On motion of Mr. Wilson,

The House adjourned until to-morrow morning, at 10 o'clock.

Thursday Morning, January 25, 1844.

Mr. Steele presented the petition of 45 citizens of Lee County, remonstrating against the location of a Territorial Road from Fort Madison, in Lee Connty, to Salem, in Henry County.

Referred to the Committe on Roads and Highways.

Mr. Mitchell presented the petition of 42 citizens of Scott County, praying the repeal of the "Valuation Law" passed at the last session; which was laid on the table.

The Speaker presented the account of George Wein, for stone furnished the Superintendent of Public Buildings;

Which was referred to the Committee on Public Buildings.

Mr. Thompson gave notice, that he would, on to-morrow, introduce

A Bill to amend an act entitled 'An Act for the prevention of certain immoral practices, approved 10th Feb. 1843.

On motion of Mr. Nowlin,

Ordered, That the Speaker be added to the Select Committee, to which was referred

No. 5, C. F. "A Bill to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution for the State of Iowa."

Mr. Smyth, in accordance with previous notice, introduced

No. 87, H. R. File, "A Bill for the relief of Rev. Isaac Searles, minister of the Gospel;" also,

No. 88, H. R. File, "A Bill to legalize the acts of Justices of the Peace and Constables, in certain cases;"

Which were read a first time.

Mr. Robb, from the Committee on Enrolled Bills, reported that the Committee had examined

An Act to change the time of holding the General Election, and found the same correctly enrolled.

The Speaker signed said act.

Mr. Walworth, from the Committee on engrossed Bills, reported that the Committee had examined

No. 3, H. R. File, "A Bill to authorize Hugh Boyle and Ralph Bissell to erect a Dam across Skunk river, in Henry county," and found the same correctly engrossed.

No. 52, H. R. File, "A Bill to abolish Capital Punishment;"

Being the order of the day,

A motion was made by Mr. Grimes, that the order of the day be postponed until Tuesday next;

And was decided in the affirmative.

No. 34, H. R. File, "A Bill to organize the Militia;"

Was read a second time, and,

On motion of Mr. Grimes,

Referred to a Committee of the Whole House for the consideration of the same. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Brophy reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House without amendment.

A motion was made by Mr. Walworth, to refer the Bill to a Select Committee of one member from each Judicial District, with instructions to provide for Military Trainings;

Which was decided in the negative.

Yeas 6—Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affimartive are,

Messrs. Bonney, Brophy, McCleary, Smyth, Steele, and Walworth.

Those who voted in the negative are,

Messrs. Baker, Brierly, Borland, Fay, Foley, Grimes, Hackleman, Johnson, Mitchell, Robb, Roberts, Rogers, Thompson, Wilson, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Robb, to strike out all after the enacting clause of the bill, and insert the following:

That it shall be the duty of the Assessors, at every assessment hereaftert to return with their assessment to the County Clerk of their respective counties, the number of citizens in each county within the ages subject to do military duty, in their respective townships or counties.

Sec. 2. That all laws and parts of laws for organizing and disciplining the Militia, be, and they are hereby repealed.

Sec. 3. This act to take effect, and be in force from and after its passage.

Which was decided in the negative.

A motion was made by Mr. Fay, to strike out of the bill so much as requires the officers to be sworn;

And was decided in the negative.

A motion was made by Mr. Grimes, to strike out of the bill so much as exempts sundry individuals from performing military duty.

Which was decided in the negative.

Yeas 8—Nays 14.

The Yeas and Nays being desired by two members,

Those who voted in the affimative are

Messrs. Bonney, Brierly, Borland, Fay, Grimes, McCleary, Rogers, and Steele.

Those who voted in the negative are

Messrs. Baker, Brophy, Foley, Hackleman, Johnson, Mitchell, Robb, Roberts, Smyth, Thompson, Walworth, Wilson, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Grimes, to strike out the following section, to wit:

There shall be allowed and paid out of the Territorial Treasury—

1st. To each division and brigade Judge Advocate, and to each president of any Court of Enquiry or Court Martial, for the trial of officers, two dollars, for each day actually employed on duty; and the like compensation to any Marshal appointed by any such Court, for every day employed in the execution of the duties required of him by law.

2d. To each Brigade Inspector, for inspecting a regiment, five dollars; for making out and transmitting to the Adjutant General an inspection return of his brigade, five dollars.

3d. To each military store-keeper, such sum as may be allowed by the Commander-in-chief.

And was decided in the affirmative.

Yeas 21, Nays 2.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Fay, Grimes, Hackleman, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Steele, Thompson, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative are

Messrs. Foley and Walworth.

A motion was made by Mr. Grimes, to strike out the following section:

Sec. 3. There shall be allowed and paid out of the fines imposed by each regimental court martial, and received by the President thereof,

1st. To the President and each member of the court martial, one dollar and fifty cents for each day they may be actually employed in holding the court, or engaged in the business thereof.

2d. To non-commissioned officers, marshals, or other persons em-

ployed to execute the orders of such courts, the same fees as are allowed by law to constables attending a civil court.

And was decided in the affirmative.

Yeas 12, Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Bonney, Brierly. Borland, Fay, Grimes, Hackleman, Mitchell, Robb, Roberts, Steele, Wilson, and Wright.

Those who voted in the negative are

Messrs. Baker, Brophy, Foley, McCleary, Nowlin, Rogers, Smyth, Thompson, Walworth, and Carleton, (Speaker.)

A motion was made by Mr. Grimes, to insert, in place of the section stricken out, the following, to wit:

That all moneys arising from fines in consequence of failures to do military duty, or otherwise, under this act, shall be paid by the person receiving the same, into the county treasury of the county where the same was collected, and become a part of the school fund of said county.

Which was decided in the negative.

Yeas 10, Nays 12.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Bonney, Fay, Grimes, Hackleman, Mitchell, Robb, Rogers, Steele, Wilson, and Wright.

Those who voted in the negative are

Messrs. Baker, Brierly, Borland, Brophy, Foley, McCleary, Nowlin, Roberts, Smyth, Thompson, Walworth, and Carleton, (Speaker.)

On motion of Mr. Nowlin.

The House adjourned until 2 o'clock, P. M.

2 O'CLOCK P. M.

Mr. Grimes asked and obtained leave of absence for Mr. Hebard.

Mr. Mitchell moved a call of the House, which was had;

When it appeared that Messrs. Baker, Bonney, Culbertson, Foley, Nowlin, Robb, Rogers, and Walworth, were absent.

Messrs. Bonney and Culbertson were,

On motion,

Excused from the call.

The Sergeant-at-Arms was then directed to compel the attendance of the absentees.

After a short time, the absentees appearing,

The call was suspended.

The House resumed the consideration of

No. 34, H. R. File, "A Bill to organize the Militia."

A motion was made by Mr. Fay, to strike out the section requiring a Seal to be procured for the Adjutant General's office.

Which was decided in the negative.

A motion was made by Mr. Walworth, to fix the Adjutant General's salary at 75 dollars.

Which was agreed to.

Yeas 14, Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Bonney, Borland, Brophy, Hackleman, Johnson, Mitchell, McCleary, Nowlin, Rogers, Smyth, Steele, Walworth, and Carleton, (Speaker.)

Those who voted in the negative are

Messrs. Brierly, Fay, Foley, Grimes, Roberts, Thompson, Wilson, and Wright.

A motion was made by Mr. Mitchell, to strike out all after the enacting clause of the bill, and insert the following, to wit:

That section three of title three, section 15 of article 2d., title 6 of an act entitled "An Act to organize, discipline, and govern the Militia of this Territory, approved July 31, 1840," and all acts or parts of acts which now require militia drills, musters, trainings, inspections, or reviews, in time of peace, be and the same are hereby repealed.

Sec. 2. That it shall be the duty of the Assessors, in the several counties in this Territory, at the time they return their assessment rolls, to return to the Clerk of the Board of County Commissioners the names of all able-bodied males, between the ages of eighteen and forty-five years, resident in each township or precinct in their respective counties: And it shall be the duty of said Clerk to make out and return forthwith to the Adjutant General of this Territory complete abstracts of the numbers of such able-bodied males, which abstracts the said Adjutant General shall file and carefully preserve in his office.

Sec. 3. This act shall in no way interfere with the authority of the Commander-in-chief, or any other officer, in calling out the militia, or any portion thereof, whenever, in their opinion, the public safety may require it.

Which was decided in the affirmative.

Yeas 15, Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Bonney, Brierly, Borland, Fay, Grimes, Hackleman, Johnson, Mitchell, Robb, Roberts, Rogers, Thompson, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative are

Messrs. Baker, Brophy, Foley, McCleary, Nowlin, Smyth, Steele, and Walworth.

A motion was then made by Mr. Bonney, that the bill be indefinitely postponed.

Which was decided in the negative.

Yeas 9, Nays 14.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, McCleary, Smyth, Steele, and Thompson.

Those who voted in the negative are

Messrs. Fay, Foley, Grimes, Hackleman, Johnson, Mitchell, Nowlin, Robb, Roberts, Rogers, Thompson, Wilson, Wright, and Carleton, (Speaker.)

On motion of Mr. Nowlin,

Ordered, That the bill be referred to a Select Committee.

Whereupon, Messrs. Nowlin, Mitchell, and Hackleman, were appointed.

No. 72, H. R. File, "A Resolution, providing for the adjournment of the Legislature on the 1st February;"

Was read a second time, and,

On motion of Mr. Wilson,

Laid on the table.

The following Bills &c., to wit:

No. 73, H. R. File, "A Memorial to Congress asking for an appropriation to pay the debts of previous Legislatures.

No. 74, H. R. File, "A Resolution, relative to Mail Routes Nos. 4228 and 4506.

No. 78, H. R. File, A Bill to organize the county of Delaware, and to provide for holding court in the same.

No. 79, H. R. File "A Bill to legalize the location of a Territorial Road from Bellview to Iowa City.

No. 80, H. R. File, "A Bill to incorporate the subscribers for erecting a dam across the Muscatine Slough.

No. 81, H. R. File, "A Bill to legalize the acts of James T. Harden, recorder of Jefferson county."

No. 85, H. R. File, "Joint Resolution for the establishment of certain Post Routes.

No. 86, H. R. File, "A Bill to amend the several acts for the incorparation of the town of Mount Pleasant,

Were severally read a second time, and ordered to be engrossed and read a third time to-morrow.

No. 75, H. R. File, "A Bill to define lawful Fences, and restrain trespassing animals,"

Was read a second time; and,

On motion of Mr. Hackleman,

Referred to a Committee of the whole House, and made the order of the day for Wednesday next.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed

No. 48, H. R. File, "Joint Resolutions providing for the payment of Doolittle and Munson, for certain seals.

The Council have disagreed to the amendment of the House to

No. 7, C. F. "A Bill to amend an act entitled 'An Act to authorize Robert M. G. Patterson to establish and keep a Ferry across the Mis-

sissippi river at the mouth of Nassau Slough.

I herewith return

An act to locate a Territorial Road from Wapello in Louisa county, to Augusta in Des Moines county.

The same being signed by the President of the Council.

The Council have passed with amendments.

No. 49, H. R. File, "A Bill to incorporate the Common School Association of Henry county;"

No. 53, H. R. File, "A Joint Resolution, asking Congress for an appropriation to defray the expenses of a Treaty with the Pottowatimie Indians; also, asking the removal of the Missouri, Sac and Foxes, and Iowa Indians.

In which the concurrence of the House is requested.

I herewith present for your signature—

Joint Resolution, authorizing the Auditor to audit certain Warrants.

And then he withdrew.

The Speaker signed the last named resolution.

No. 76, H. R. File, "A Bill to amend an act entitled 'An Act subjecting real and personal estate to execution;" and,

No. 77, H. R. File, "A Bill for an act amendatory of an act subjecting real and personal estate to execution;"

Were severally read a second time, and referred to a Committee of the Whole House and made the order of the day for to-morrow.

No. 82, H. R. File, "A Bill to amend an act entitled An Act to establish new counties and define their boundaries," &c.

Was read a second time, and after being slightly amended,

Was ordered to be engrossed and read a third time to-morrow.

No. 83, H.R. File, "A Memorial to Congress, asking for a donation of Land for the Iowa City College:"

Was read a second time.

A motion was made by Mr. Foley, that the Memorial be referred to a Select Committee of one from each Judicial District.

Which was decided in the negative.

Yeas 4, Nays 19.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Brierly, Foley, and Nowlin.

Those who voted in the negative are

Messrs. Bonney, Borland, Brophy, Fay, Grimes, Hackleman, Johnson, Mitchell, McCleary, Robb, Roberts, Rogers, Smyth, Steele, Thompson, Walworth, Wilson, Wright, andCarleton, (Speaker.)

The Memorial was then ordered to be engrossed and read a third time to-morrow.

Every member voting therefor.

No. 84, H. R. "A Memorial to Congress relative to granting the right of pre-emption to unsurveyed lands;"

Was read a second time, and ordered to be engrossed and read a 3d time to morrow.

All the members voting therefor, except Mr. Robb, who voted in the negative.

No. 21, C. F. "A Bill to incorporate the Toolesborough Manufacturing Company;"

Was read a second time.

A motion was made by Mr. Rogers, to add the following section to the bill, to wit.

That any future Legislature may amend or repeal this act.

And was decided in the affirmative.

Yeas 13, Nays 9.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Bonney, Borland, Brophy, Fay, Foley, Hackleman, Johnson, Nowlin, Rogers, Smyth, Thompson, and Wright.

Those who voted in the negative, are,

Messrs. Brierly, Grimes, Mitchell, McCleary, Robb, Roberts, Steele, Wilson, and Carleton, (Speaker.)

On motion of Mr. McCleary,

Ordered, That the bill be read a third time to-morrow.

No. 27, C. F. "A Bill to amend an act entitled An Act relative to the Probate of Wills, Executors, Administrators," &c.;

Was read a second time, and,

On motion of Mr. Johnson,

Referred to the Select Committee heretofore appointed on that subject.

No. 28, C. F. "A Bill to amend an act entitled An Act subjecting Real and Personal Estate to execution;"

Was read a second time, and,

On motion of Mr. Rogers,

Referred to a Committee of the Whole House, to which other bills on the same subject had been referred.

No. 30, C. File, "A Bill to incorporate the Wappesipinicon Mill Company;"

Was read a second time.

A motion was made by Mr. Brophy, to add the following section:

That any future Legislature may amend or repeal this act.

Which was decided in the affirmative.

Yeas 12—Nays 11.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Borland, Brophy, Fay, Foley, Hackleman, Nowlin, Rogers, Smyth, Thompson, and Wright.

Those who voted in the negative are,

Messrs. Brierly, Grimes, Johnson, Mitchell, McCleary, Robb, Roberts, Steele, Walworth, Wilson, and Carleton, (Speaker.)

The bill was then ordered to be read a third time to-morrow.

No. 34, C. F. "A Joint Resolution upon the subject of procuring from Congress compensation for defending the southern border;"

Was read a second time, and ordered to be read a third time tomorrow.

The following bills, to wit:

No. 16, H. R. File, "A Bill to amend certain acts relating to Roads and Highways.

No. 51, H. R. File, "A Bill relative to Religious Societies."

No. 55, H. R. File, "A Bill to incorporate the Grandview Literary and Philosophical Society."

No. 60, H. R. File, "A Bill to incorporate the Iowa Botanic Medical Society."

No. 62, H. R. File, "A Bill for the relief of Malcom Murray, late of the firm of Murray and Sanxey.

No. 63, H. R. File, "A Bill to allow Avery Thomas to change his name.

No. 65, H. R. File, "A Bill to locate a Territorial Road from Davenport to Iowa City.

No. 67 H. R. File, "A Bill to incorporate the Dubuque, Clayton, Delaware, and Jackson Mutual Fire Insurance Company."

No. 68, H. R. File, "A Bill to extend the Territorial Road from Mt. Pleasant to the Indian Boundary line, via Eddysville to Lake Prairie, opposite the mouth of White-breast, in the county of Mahaska;"

Were severally read a 3d time, and passed.

Ordered, That the Clerk make the Council acquainted therewith.

No. 66, H. R. file, "A Bill to amend an act entitled An Act to incorporate the Farmers' Half-Breed Land Company of Lee county;"

Was read a third time.

A motion was made by Mr. Foley, to add the following to the first section:

Provided, That nothing herein contained, or the act to which this is amendatory, shall be so construed as to allow the said Corporation any banking privileges;

And was decided in the affirmative.

Yeas 15—Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affimartive are,

Messrs. Brierly, Borland, Fay, Foley, Grimes, Hackleman, Mitchell, McCleary, Robb, Roberts, Steele, Thompson, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Bonney, Brophy, Johnson, Nowlin, Rogers, Smyth, and Walworth.

The question was then put, Shall the bill pass?

And was decided in the affirmative.

Yeas 13, Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Brierly, Foley, Grimes, Hackleman, Mitchell, Nowlin, Robb, Roberts, Steele, Walworth, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative are

Messrs. Baker, Bonney, Borland, Brophy, Fay, Johnson, McCleary, Rogers, Smyth, and Thompson.

So the bill passed.

On motion of Mr. Walworth,

The resolution offered by him on Tuesday last, relative to the printing of the laws of last session, was taken from the table and adopted.

A motion was made by Mr. Johnson to take from the table,

No. 72, H. R File, "A Joint Resolution providing for the adjournment of the Legislature on the 1st of Feb.

And was decided in the affirmative.

Yeas 17—Nays 5.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Borland, Fay, Grimes, Hackleman, Johnson, Mitchell, McCleary, Robb, Rogers, Smyth, Steele, Thompson Walworth, Wright, and Carleton (Speaker.)

Those voted in the negative are,

Messrs. Brierly, Brophy, Foley, Nowlin, and Wilson.

Mr. Walworth offered the following as a substitute:

Whereas, the expenditures of the last session of this Legislature exceeded the appropriation by some $5,000: and whereas, instructions have been received by the Secretary of the Territory to apply any funds of the last appropriation in his hands remaining unexpended by this Legislature, to the liquidation of the unpaid debts of the last session. Therefore.

Resolved, That it is the duty of this House to adjourn at the earliest possible day, consistent with the public good; and that the fifth day of Feb. next be fixed upon as the day on which this House will adjourn *sine die*.

On motion of Mr. Brierly,

The word "fifth" was stricken out of the resolution, and then,

On motion of Mr. Hackleman,

The House adjourned until to-morrow morning at 10 o'clock.

Friday Morning, January 26, 1844.

Mr. Foley presented the petition of 28 citizens of Bellview, and other portions of Jackson county, praying that an amendment may be passed, to the charter of the town of Bellview, so as to enable the President and Trustees of said town, to compell Grocery keepers, or retailers of spirits, to obtain a license for that purpose, by paying from five to one hundred dollars per annum.

Which was referred to a select Committee viz: Messrs. Foley, Nowlin and McCleary.

Mr. Walworth presented the petition of Wm. Maxson, asking an act to be passed, to compensate him, for laying out a certain Territorial Road.

Which was referred to the Committee on Roads and Highways.

Mr. Steele presented the petition of 1073 citizens of Lee county, praying the passage of an act for the re-location of the county seat of said county, by the vote of the citizens thereof.

Mr. Mitchell presented the petition of 45 citizens of Scott county, praying the passage of an act, to legalize the location of a Territorial Road from Davenport to Bellview.

Which was referred to the Committee on Roads and Highways.

The Speaker presented the account of James McIntosh, for binding the laws of last session.

Which was referred to the Committee on Claims.

The Speaker presented the petition of George Andrews, relative to certain lots which he purchased of the Territory.

Referred to a Select Committee viz—Messrs. Robb, Smyth and Steele.

Mr. Johnson presented the account of James G. Edwards, for printing.

Which was referred to the Committee on Claims.

On motion of Mr. Grimes,

Resolved, That a Committee be appointed on the part of the House, to act in conjunction with a similar Committee to be appointed by the Council, to ascertain and report to the two Houses, on what day the present session may be brought to a close, without detriment to the public interest.

Mr. Thompson gave notice, that he would, on some future day, introduce,

A Memorial, asking Congress, to donate a Township of land to the Mount Pleasant Literary Institute; also,

A Bill supplemental to an act entitled An act, relative to proceedings in chancery, approved Jan. 23, 1839.

Mr. Walworth from the Committee on engrossed Bills, reported, that the Committee had examined, Nos. 50, 56, 69, 70, 71, 73, 74, 78, 80, 81, 82, 83, 84, 85, 86, H. R. File, as correctly engrossed.

Mr. Nowlin from the Select Committee to which was referred,

No. 34. H. R. File, "A Bill to organize the Miilitia," reported the same back to the House with amendments.

Which were read a first time.

Mr. Thompson on leave, introduced,

No. 89, H. R. File, "A Bill regulating Marriages, and abolishing licenses therefor;" also,

No. 90, H. R. File, "A Bill to amend an act, entitled An act, for the prevention of certain immoral practices, approved 10th. of Feb. 1843."

Mr. Robb from the Committee on Enrolled bills, reported that the Committee did on the 25th, inst., present to the Governor for his approval.

An act to incorporate the Burlington Mechanics' Institute.

An act to legalize the acts of John A. Drake, and Samuel B. Ayres Justices of the Peace.

An act for the relief of Thomas Summerlin, collector of Van Buren county.

No. 7, C. F. "A Bill to amend an act, entitled An act, to authorize Robert M. G. Patterson, to and keep a Ferry across the Mississippi river," &c.

Having been returned from the Council, with the amendmont of the House disagreed to,

A motion was made by Mr. Rogers, that the House insist upon their amendment which is in the following words:

That any future Legislature shall have the power to repeal, alter, or amend this charter.

And was decided in the affirmative,

Yeas 16—Nays 8.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, Johnson, McCleary, Nowlin, Rogers, Smyth, Thompson, Wright and Carleton (Speaker.)

Those who voted in the negative are,

Messrs. Brierly, Grimes, Mitchell, Robb, Roberts, Steele, Walworth and Wilson.

No. 49, H. R. File, "A Bill to incorporate the Common School Association of Henry county,"

Having been returned from the Council with the following section stricken out, to wit:

That any future Legislature, may alter, or repeal this act,

A motion was made by Mr. Robb, that the House concur.

Which was decided in the affirmative.

Yeas 14, Nays 9.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Culbertson, Grimes, Hackleman, Johnson, Micthell, Robb, Roberts, Steele, Walworth, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Bonney, Borland, Brophy, Fay, Foley, McCleary, Rogers, Smyth, and Thompson.

No. 11, H. R. File, "A Bill to provide for assessing and collecting Public revenue, being the order of the day, was referred to a Committee of the whole House, for the consideration of the same.

After some time spent therein,

The Speaker resumed the Chair, and Mr. Hackleman reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House, and ask leave to sit again.

Leave was granted to sit again on to-morrow.

A Message from the Council by Mr. Wallace their Secretary.

MR. SPEAKER:

The Council have passed.

No. 44, H. R. File, "A Bill for an act, donating certain property in Iowa City, to the Mechanics' Mutual Aid Association."

The Council have appointed.

Messrs. Wallace and Gehon a Committee, to consult with a similar Committee appointed on the part of the House of Representatives to ascertain and report to the two Houses, on what day the present session may be brought to a close, without detriment to the public interest.

The Council have also appointed

Messrs. Wallace and Teas, a Committee of Conference, to act with a similar Committee, appointed on the part of the House, relative to the disagreeing vote of the two Houses, upon,

No. 23, H. R. File, "A Bill to organize the counties of Keokuk and Mahaska."

I herewith presented for your signature.

An act to locate a Territorial Road from Fairfield, in Jefferson county, to the Indian boundary, in the direction to the Indian Agency, at the Raccoon fork of the Des Moines river.

An act for the relief of Chauncey Swan.

An act to district the county of Scott for the election of County Commissioners.

And then he withdrew.

The Speaker signed said acts.

On motion of Mr. Wilson,

The House adjourned until to-morrow morning, at 10 o'clock.

Saturday Morning, January 27, 1844.

Mr. Smyth presented the petition of Isaac Searles, minister of the gospel, praying the passage of an act, remitting all penalties and forfeitures, which he may have incurred, by solemnizing the marriage of Thomas Hare with Eliza Jane Willis, without having obtained a license therefor.

Which was laid on the table.

On motion of Mr. Brierly,

Ordered, That the delegation from Henry county be added to the Select Committee, to which was referred the petitions of the citizens of Lee county, praying the re-location of the county seat of said county.

On motion of Mr. Rogers,

The Delegation from Van Buren county, was also added to said Committee.

On motion of Mr. Wilson,

Resolved, That the Committee on the Judiciary, enquire into the expediency of providing by law, for three terms of the District Court annually, in each county, in the first Judicial District, and to report by bill or otherwise.

Mr. Fay offered the following.

Whereas, the members of this House are desirious of adjourning, at the earliest day the interests of the Territory will admit of their so doing, and,

Whereas, its business is largely accumulated, therefore.

Resolved, That for the greater despatch of its business, this House will in future, assemble at 9 o'clock A. M. until otherwise ordered.

Which was decided in the affirmative.

Mr. Nowlin gave notice, that he would on some future day, introduce,

A Bill to lay out a Territorial Road, from Bennets' Mill in Buchanan county, via. the county seat of Delaware county, to the city of Dubuque; also,

To lay out a Territorial Road, from J. H. Jenkins, in Linn county, to some proper point in a direction to Dubuque.

Mr. Robb from the Committee on Enrolled Blls, reported, that they had examined

An act donating certain property in Iowa City, to the Mechanics' Mutual Aid Association.

Joint Resolutions providing for the payment of Doolittle and Munson, for certain seals.

Joint Resolutions, asking Congress for an appropriation, for defraying the expenses of a Treaty with the Pottowatimie Indians; also, asking the removal of the Missouri, Sac and Fox, and Iowa Indians.

And found the same correctly enrolled.

The Speaker signed said act, and resolutions.

Mr. Brierly, from the select Committee, to which was referred,

No. 5, C. F. "A Bill to provide for the expression of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution, for the State of Iowa," reported the same back to the House, with sundry amendments.

Mr. Thompson, on leave, introduced,

No. 91, H. R. File, "A Bill supplemental to an act, entitled an act, relative to proceedings in Chancery, approved Jan. 23, 1839."

Which was read a first time; and,

On motion of Mr. Grimes,

Fifty copies were ordered to be printed.

No. 34. H. R. File, "A Bill amendatory of an act, entitled an act, to organize discipline and govern the Militia of this Territory, approved July 31, 1840."

Was read a second time.

A motion was made by Mr. Wilson, that the Bill be engrossed, and read a third time on Monday next.

And was decided in the affirmative.

Yeas 14—Nays 6.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Brierly, Fay, Grimes, Hackleman, Mitchell, Nowlin, Robb, Roberts, Rogers, Smyth, Thompson, Wilson, Wright and Carleton (Speaker.)

Those who voted in the negative are,

Messrs. Bonney, Borland, Culbertson, McCleary, Steele, and Walworth.

No. 87, H. R. File, "A Bill for the relief of Rev. Isaac Searles.

No. 88, H. R. File, "A Bill to legalize the acts of Justices of the Peace, and Constables in certain cases."

Were severally read a second time; and,

On motion of Mr. Smyth,

Ordered, to be engrossed and read a third time on Monday next.

No. 90, H. R. File, "A Bill to amend an act, entitled An act, for the prevention of certain immoral practices, approved 10th. of Feb. 1843.'

Was read a second time.

A motion was made by Mr. Grimes, that the bill be indefinitely postponed.

Which was decided in the affirmative.

Yeas 16, Nays 7.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brierly, Borland, Culbertson, Fay, Grimes, Hackleman, Johnson, Nowlin, Robb, Roberts, Rogers, Smyth, Steele, Walworth, Wilson, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Bonney, Foley, Micthell, McCleary, Thompson, and Wright.

So the bill was indefinitely postponed.

No. 50, H. R. File, "A Bill to repeal an act entitled An act, for the prevention of certain immoral practices."

Was read a third time.

And the question being put, shall the bill pass?

It passed in the affirmative.

Yeas 19—Nays 5.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brierly, Borland, Culbertson, Foley, Grimes, Hackleman, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Smyth, Steele, Thompson, Walworth, Wilson, Wright and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Bonney, Brophy, Fay, and Rogers.

A motion was made by Mr. Brophy, that the title of the bill be as follows:

An act, in direct violation, of the spirit of our republican institutions, and for the promotion and advancement of New England fanataicism and religious intolerance.

Which was decided in the negative.

Yeas 3, Nays 21.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Bonney, and Brophy.

Those who voted in the negative are

Messrs. Brierly, Borland, Culbertson, Fay, Foley, Grimes, Hackleman, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Steele, Thompson, Walworth, Wilson, Wright, and Carleton (Speaker.)

A motion was made by Mr. McCleary, to amend the title of the bill as follows:

Strike out the word *repeal*, and insert the word *amend*.

Which was decided in the affirmative.

A motion was made by Mr. Walworth, to reconsider the vote on the passage of the Bill.

Which was decided in the negative.

The following bills, to wit:

No. 3, H. R. File, "A Bill to authorize Hugh Boyle and Ralph Bissell, to erect a Dam across Skunk river in Henry county."

No 56, H. R. File, "A Bill to amend an act entitled An act, for the election of Constables and defining their duties."

No. 69, H. R. File, "A Bill to punish the obstructing of the public roads," &c.

No. 70, H. R. File, "A Bill to locate and establish a Territorial Road, from Brighton in Washington county, to the county seat of Mahaska county."

No. 71, H. R. File, "A Resolution, asking Congress for the establishment of a Post Route, from Nauvoo to Montrose."

No. 73, H. R. File, "A Memorial to Congress asking for an appropriation to pay the debts of previous Legislatures.

No. 74, H. R. File, "A Resolution, relative to Mail Routes Nos. 4228 and 4506.

No. 80, H. R. File, "A Bill to incorporate the subscribers, for erecting a Dam across the Muscatine Slough.

No. 81, H. R. File, "A Bill to legalize the acts of James T. Harden, Recorder of Jefferson county."

No. 82, H. R. File, "A Bill to amend an act entitled An Act to establish new counties and define their boundaries."

No. 83, H. R. File, "A Memorial to Congress, asking for a donation of Land for the Iowa City College:"

No. 85, H. R. File "Joint Resolutions for the establishment of certain Post Routes."

No. 86, H. R. File, "A Bill to amend an act, entitled An act, for the incorporation of the town of Mount Pleasant in Henry county."

No. 21, C. F. "A Bill to incorporate the Toolesborough Manufacturing Company;"

No. 30, C. File, "A Bill to incorporate the Wappesipinicon Mill Company;"

No. 34, C. F. "A Joint Resolution upon the subject of procuring from Congress compensation to the citizens of Iowa, for services rendered and expenses incurred, in defending the southern border of the Territory."

Were severally read a third time and passed.

Ordered, That the Council be informed accordingly.

No. 78, H. R. File, "A Bill to organize the county of Delaware, and to provide for holding Court in the same," was read a third time; and,

On motion of Mr. Mitchell,

Laid on the table.

Mr. Rogers on leave, introduced,

No. 92, H. R. File, "Joint Resolutions, relative to the re-payment of the fine imposed upon General Jackson."

Which was read a first time.

Mr. Baker, from the Committee of Conference, appointed to take under consideration the disagreeing vote of the two Houses upon,

No. 23, H. R. File, "A Bill to organize the counties of Keokuk and Mahaska,"

Reported that the Committee had agreed to concur in the amendment of the Council.

The House concurred in the report.

The Speaker laid before the House, the following communication.

SECRETARY'S OFFICE,
Iowa City, January 26th, 4844.

SIR:—I have the honor to acknowledge the receipt of a Resolution, passed this day, by the House of Representatives, requesting to be informed—"First, whether the laws passed and ordered to be printed at the last session of this Legislature, have been printed, and distributed according to law; and, secondly, whether the printers, Messrs. Williams and Hughes, before undertaking said printing, made and executed the proper bonds as provided for by the general law upon the subject of public printing?"

In reply, I would respectfully inform the House, through its honorable Speaker, that the laws have been printed and partially distributed. I understand that a portion of the volumes remaining unbound is one reason why the distribution has not been completed.

There is no bond executed by Williams and Hughes for printing the laws of the last session of the Legislature on file in this office.

I am, sir, very respectfully,
Your obedient servant,
S. J. BURR.

To the Honorable James P. Carleton, Speaker of the House of Representatives, Iowa City.

The House resumed, in Committee of the whole House, the consideration of,

No. 11, H. R. File, "A Bill to provide for assessing and collecting Public Revenue."

And after sometime spent therein,

Mr. Speaker resumed the chair, and Mr. Hackleman reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the Honse, and ask leave to sit again this afternoon.

Leave was granted.

And then the House adjourned until 2 o'clock, P. M.

2 O'CLOCK P. M.

Mr. Thompson, on leave, introduced

No. 93, H. R File, "A Memorial to Congress for a donation of land, for the Mount Pleasant Institute;"

Which was read a first time.

The House, in Committee of the Whole House, resumed the consideration of

No. 11, H. R. File, A Bill to provide for assessing and collecting Public Revenue.

After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Hackleman reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House, and ask leave to sit again. Leave was granted.

A Message from the Council by Mr. Wallace their Secretary.

MR. SPEAKER:

The Council have passed

No. 15, C. F. "A Bill to encourage the destruction of Wolves."

No. 35, C. F. "A Bill to locate a Territorial Road from Iowaville, in Van Buren county, to Autumwa, in Wapello county."

No. 36, C. F. "A Bill to locate a Territorial Road from the old Indian boundary line, in Des Moines township, in Jefferson county, via Agency City, to the Seat of Justice of Mahaska county."

In which the concurrence of the House is requested.

The Council have also passed

No. 20, H. R. File, "An act to authorize John O'Hara, his heirs and assigns, to establish and keep a Ferry across the Mississippi river, at the town of Keokuk, in the county of Lee," and,

No. 66, H. R. File, "A Bill to amend an act entitled An Act to incorporate the Farmers' Half-Breed Land Co., in the county of Lee."

I herewith return,

An Act to incorporate the Burlington University;" and,

An Act to change the time of holding the General Election."

The same being signed by the President of the Council.

And then he withdrew.

On motion of Mr. Wilson,

The House adjourned until Monday morning, at 9 o'clock.

Monday Morning, January 29, 1844.

Mr. Robb presented the petition of 101 citizens of Henry county, praying the repeal or modification of the "Valuation Law;"

Which was laid on the table.

Mr. Robb presented the petition of 25 citizens of Henry county, praying the repeal of the "Valuation and Usury Laws;"

Which was laid on the table.

Mr. Robb presented the petition of 33 citizens of Henry and Washington counties, praying for the location of a Territorial Road from Deed's Mills, in Jefferson county, to Crippen's Mills, in Washington county.

Also, praying the location of a Territorial Road from Brighton, in Washington county, to intersect the Territorial road leading from Mt. Pleasant to Washington.

Which was referred to the Committee on Roads and Highways.

Mr. Johnson presented the petition of 466 citizens of Des Moines county, who are opposed to the effort now making, to revive that *exploded* and *swindling* institution, the Dubuque Bank, and request their representatives to vote against all measures looking towards its resuscitation.

Which was laid on the table.

Mr. Thompson presented the petition of 44 citizens of Henry county, praying the repeal of the law relating to Marriages.

Which was laid on the table.

Mr. Wilson presented the petition of 21 citizens of Henry county, remonstrating against the repeal of the law relating to Marriages.

Which was laid on the table.

Mr. Brierly gave notice, that he would, on to-morrow, introduce

A Joint Resolution, instructing our Delegate in Congress, to use his influence to obtain an appropriation, for the survey of the northern boundary of the Half-Breed Tract.

Mr. Brophy gave notice, that he would, on to-morrow, introduce

A Bill to establish a Seminary of Learning, at the town of De Witt in Clinton county.

Mr. Foley gave notice, that he would, on some future day, introduce

A Memorial to Congress asking for a grant of one township or 36 sections of land, to the Jackson County Academy, for educational purposes.

Mr. Thompson gave notice, that he would, on to-morrow, introduce

A Bill to incorporate the Mount Pleasant Collegiate Institute.

Mr. Robb gave notice, that he would, on to-morrow, introduce

A Bill to authorize the County Commissioners of Henry county to

vacate a part of Webster street, in said county.

Mr. Bonney, on leave, introduced

No. 94, H. R. File, "A Bill to amend an act entitled An Act, regulating Mills and Millers.

Mr. Grimes, from the Committee on Corporations, introduced

No. 95, H. R. File, "A Bill to amend an act entitled An Act to establish a Ferry across the Mississippi river, approved Jan. 18, 1838.

Said Bills were severally read a first time.

Mr. Robb, from the Committee on Enrolled Bills, reported, that they had examined

An Act to amend an act entitled An Act to incorporate the Farmers' Half-Breed Land Company.

An Act to incorporate the Common School Association of Henry county.

An Act to incorporate the Farmington Academy and High School.

An Act to authorize John O'Hara, his heirs and assigns, to establish and keep a Ferry across the Mississippi river, at the town of Keokuk.

And found the same correctly enrolled.

The Speaker signed said acts.

Mr. Robb, from the Committee on Enrolled Bills, reported, that the Committee did, on the 27th inst., present to the Governor, for his approval,

An Act to locate a Territorial Road from Wapello, in Louisa county, to Augusta, in Des Moines county.

The following bills, to wit:

No. 15, C. F. "A Bill to encourage the destruction of Wolves."

No. 35, C. F. "A Bill to locate a Territorial Road from Iowaville, in Van Buren county, to Autumwa, in Wapello county.

No. 36, C. F. "A Bill to locate a Territorial Road from the old Indian boundary line, in Des Moines township, in Jefferson county, via Agency City, to the Seat of Justice of Mahaska county,

Were severally read a first time.

No. 5, C. F. "A Bill to provide for the expression of the opinion of the people of the Territory, relative to a State Government;"

Was read a second time, and the further consideration thereof postponed until Wednesday next.

No. 92, H. R. File, "Joint Resolutions relative to the repayment of the fine imposed upon General Jackson;"

Was read a second time, and,

On motion of Mr. Rogers,

Ordered to be engrossed and read a third time to-morrow.

No. 93, H. R. File, "A Memorial to Congress, asking for a donation of land for the Mount Pleasant Institute;"

Was read a second time, and,

On motion of Mr. Thompson,

Laid on the table.

No. 54, H. R. File, "A Bill amendatory of an act entitled An Act to provide for the election of Justices of the Peace, to prescribe their

powers and duties, and regulate their proceedings," being the order of the day,

Was considered in the Committee of the Whole House. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Wilson reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same to the House with sundry amendments, and ask its concurrence.

The amendments were all concurred in, except the striking out of the word May and inserting the word March, in the following section:

This act shall take effect and be in force from and after the first of May next.

Which was disagreed to.

Yeas 9, Nays 14.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Brierly, Culbertson, Fay, Hackleman, Johnson, Roberts, Thompson, Wilson, and Wright.

Those who voted in the negative are

Messrs. Bonney, Borland, Brophy, Foley, Grimes, Mitchell, McCleary, Nowlin, Robb, Rogers, Smyth, Steele, Walworth, and Carleton, (Speaker.)

A motion was made by Mr. Hackleman, to strike out the first of May, and insert the fifteenth of March.

Mr. Fay called for a division of the question, first on striking out the first of May.

And the question being put,

It was decided in the affirmative.

Yeas 16—Nays 7.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Brierly, Brophy, Culbertson, Fay, Foley, Grimes, Hackleman, Johnson, Mitchell, Nowlin, Roberts, Rogers, Smyth, Thompson, Wilson, and Wright.

Those who voted in the negative are,

Messrs. Bonney, Borland, McCleary, Robb, Steele, Walworth, and Carleton (Speaker.)

So the first of May was stricken out.

A motion was made by Mr. Foley, to insert the first Tuesday in April;

Which was decided in the negative.

A motion was made by Mr. Rogers, to insert the 1st Monday in April,

And was decided in the affirmative.

Yeas 13—Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affimartive are,

Messrs. Brophy, Fay, Foley, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Smyth, Steele, Wright, andCarleton, (Speaker.)

Those who voted in the negative are,

Messrs. Bonney, Brierly, Borland, Culbertson, Grimes, Hackleman, Roberts, Thompson, Walworth, and Wilson.

On motion of Mr. Thompson,

Ordered, That the bill be engrossed, and read a 3d time to-morrow.

On motion of Mr. Wilson,

The House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed

No. 7, C. F. "A Bill to incorporate the Iowa City Manufacturing Company."

Also, with amendments,

No. 31, H. R. File, "A Bill defining the jurisdiction of the Supreme Court, and regulating the practice therein.

No. 65, H. R. File, "A Bill to locate a Territorial Road from Davenport to Iowa City;"

In which the concurrence of the House is requested.

The Council have passed, without amendment,

No. 22, H. R. File, "A Bill to establish a Territorial Road from Iowaville, on the Des Moines river, to the Missouri line, at the point where the Mormon trace crosses said line."

No. 62, H. R File, "A Bill for the relief of Malcolm Murray, late of the firm of Murray & Sanxey."

No. 63 H. R. File, "A Bill to allow Avery Thomas to change his name."

No. 67, H. R. File, "A Bill to incorporate the Dubuque, Clayton, Delaware, and Jackson Mutual Fire Insurance Company."

No. 68, H. R. File, "A Bill to extend the Territorial Road from Mt. Pleasant to the Indian boundary line, via Autumwa, Eddysville, to Lake Prairie, opposite the mouth of White-breast, in the county of Mahaska."

No. 73, H. R. File, "A Memorial to Congress, asking for an appropriation to pay the debts of previous Legislatures."

No. 84, H. R. File, "A Memorial to Congress relative to granting the right of pre-emption to unsurveyed lands.

I herewith return

An Act to amend an act, entitled An Act to incorporate the Farmers' Half-Breed Land Company, in Lee county.

An Act to incorporate the Farmington Academy and High School.

An Act to authorize John O'Hara, his heirs and assigns, to establish and keep a Ferry across the Mississippi river, at the town of Keokuk, in the county of Lee.

An Act to incorporate the Common School Association of Henry county.

An Act donating certain property in Iowa City, to the Mechanics'

Mutual Aid Association.

Joint Resolution, providing for the payment of Doolittle & Munson, for certain Seals.

A Joint Resolution, asking Congress for an appropriation, to defray the expenses of a Treaty with the Pottawattomie Indians; also, asking the removal of the Missouri, Sac and Fox, and Iowa Indians.

All of which have been signed by the President of the Council.

And then he withdrew.

On motion of Mr. Grimes,

The House resumed, in Committee of the whole House, the consideration of,

No. 11, H. R. File, "A Bill to provide for assessing and collecting Public Revenue."

And after sometime spent therein,

Mr. Speaker resumed the chair, and Mr. Hackleman reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House with sundry amendments.

On motion of Mr. Thompson,

Ordered, That the bill be referred to the Committee on the Judiciary.

The following bills, to wit:

No. 28, C. F. "A Bill to amend an act, subjecting real and personal estate to execution;"

No. 76, H. R. file, "A Bill to amend an act entitled An act, subjecting real and personal estate to execution;"

No. 77, H. R. File, "A Bill for an act amendatory of an act, subjecting real and personal estate to execution;"

Being the order of the day, were considered in the Committee of the Whole House.

After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Mitchell reported, that the Committee had, according to order, had said bills under consideration, and instructed him to report the same to the House with amendments.

On motion of Mr. McCleary,

Ordered, That said Bills be referred to the Committee on the Judiciary.

On motion of Mr. Bonney,

No. 61, H. R. File "A Bill for the improvement of Sheep;"

Was taken from the table, and referred to a Committee of the Whole House for the consideration of the same.

After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Johnson reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House without amendment.

A motion was made by Mr. Fay, to insert the words "and boar," after the word "ram," wherever it occurs.

Which was not agreeed to.

A motion was made by Mr. Nowlin, to add the following section to the bill:

Sec. That if any boar, over the age of four months, shall be found running at large, out of an inclosure, any person may alter such boar, at the risk of the owner.

Which was decided in the negative.

Yeas 10, Nays 14.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Brophy, Fay, Foley, Nowlin, Roberts, Rogers, Smyth, and Walworth.

Those who voted in the negative are,

Messrs. Bonney, Borland, Culbertson, Grimes, Hackleman, Johnson, Micthell, McCleary, Robb, Steele, Thompson, Wilson, Wright, and Carleton, (Speaker.)

On motion of Mr. Wilson,

Ordered, That the bill be engrossed and read a third time to-morrow

And then, on motion,

The House adjourned until to-morrow morning, at 9 o'clock.

Tuesday Morning, January 30, 1844.

Mr. Steele presented the petition of 27 citizens of Lee county, praying the passage of an act, restraining rams from running at large, certain months in the year.

Which was laid on the table.

Mr. Foley presented the petition of 26 citizens of Jackson county, praying a Charter may be granted to the Washington Lyceum.

Which was referred to a Select Committee, viz:

Messrs. Foley, Brophy and Nowlin.

Mr. Bonney presented the petition of 1112 citizens of Lee county, remonstrating against the division of said county.

Which was referred to the Select Committee heretofore appointed on that subject.

A motion was made by Mr. Wilson, that the delegation from Henry county, be excused from serving on said Committee.

Which was decided in the negative.

Mr. Johnson presented the petition of Mary Jane Ryan, praying to be divorced from her husband John P. Ryan.

Which was read, and,

On motion of Mr. Johnson,

Ordered, That the petitioner have leave to withdraw her petition.

Mr. Walworth from the Committee on engrossed Bills reported Nos. 72, 79, 87, 88, as correctly engrossed.

Mr. Thompson gave notice, that he would on to-morrow, ask leave, to introduce,

A Bill to incorporate the Mount Pleasant Lyceum.

Mr. Baker gave notice, that he would, on to-morrow, ask leave to introduce,

A Joint Resolution authorizing Charles Robbins, to furnish suitable seals for the counties of Keokuk and Mahaska.

Mr. Thompson, on leave, introduced

No. 96, H. R. File, "A Bill to incorporate the Mount Pleasant Collegiate Institute."

Mr. Foley on leave, introduced

No. 97, H. R. File, "A Memorial to Congress for a township of land, to the Jackson County Academy."

Mr. Brophy, on leave, introduced

No. 98, H. R. File, "A Bill to establish a Seminary of Learning, at De Witt in Clinton county."

Mr. Wilson, from the Committee on Roads and Highways, introduced

No. 99, H. R. File, "A Bill declaring a certain Road therein named a public Highway," &c.

Mr. Wilson, from the Committee on Roads and Highways, introduced,

No. 100, H. R File, "A Bill for opening section lines."

Mr. Borland from the Select Committee appointed for that purpose, introduced

No. 101, H. R. File, "A Bill to amend an act, entitled An act for the incorporation of the town of Farmington, approved Jan. 11th, 1841."

Mr. Grimes from the Committee appointed for that purpose, reported,

No. 102, H. R. File, "A Bill to establish the time of holding the District Courts, in the several Judicial Districts."

Mr. Wilson, from the Committee on Roads and Highways, reported.

No. 103, H. R. File, "A Bill to authorize the payment of the expenses, of laying out a certain Territorial Road."

Mr. Grimes, from the Committee on Corporations, reported,

No. 104, H. R. File, "A Bill to amend an act, entitled An act to establish a Seminary of learning in Louisa county."

Said Bills were severally read a first time; and,

Fifty copies of No. 102, ordered to be printed.

Mr. Robb, from the Committee on Enrolled Bills, reported,

That the Committee did on the 29th. inst., present to the Governor for his approval.

An act to change the time of holding the General Election.

An act to incorporate the Burlington University; also,

That the Committee had examined.

An act to organize the counties of Keokuk and Mahaska, and found

the same correctly enrolled.

The Speaker signed said act.

Mr. Wilson from the Joint Committee, appointed to ascertain the earliest day that the Legislature may adjourn, without detriment to the public interest, reported, that they are nnanimously of the opinion after a careful and thorough examined of the matter, that the legislature cannot adjourn before the 16th. day of February, without proving detrimental to the public interest.

No 7. C. F. "A Bill to incorporate the Iowa City Manufacturing company."

Was read a first time.

No. 31, H. R. File, "A Bill defining the jurisdiction of the Supreme Court, and regulating the practice therein, as amended by the Council was taken up and considered, and the amendment of the Council amended by striking out the word "twenty," and inserting the word fifteen," in the 11th Sec.

No. 52, H. R. File, "A Bill to abolish capital punishment,"

Being the order of the day, was,

On motion of Mr. Thompson,

Postponed until Tuesday next.

No. 89, H. R. File, "A Bill regulating Marriages, and abolishing licenses therefore,"

Was referred to a Committee of the Whole House, for the consideration of the same.

And after some time spent therein,

Mr. Speaker resumed the chair, and Mr. McCleary reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House, without amendment.

A motion was made by Mr. Robb, to strike out the enacting clause of the bill.

Which was decided in the negative.

Yeas 8, Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Foley, Grimes, Mitchell, Nowlin, Robb, Steele, Walworth, and Wilson.

Those who voted in the negative are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Johnson, McCleary, Roberts, Rogers, Smyth, Thompson, Wright, and Carleton (Speaker.)

Several amendments being proposed; it was,

On motion of Mr. Foley,

Ordered, That the further consideration of the bill, be postponed until Thursday next.

On motion of Mr. Wilson,

The House adjourned until to-morrow morning at 10 o'clock.

Wednesday Morning, January 31, 1844.

Mr. Brierly presented the petition of 326 citizens of Lee county, praying for a division of said county.

Which was referred to the Select Committee heretofore appointed on the same subject.

The Speaker presented the petition of 10 citizens of Johnson county, praying that a part of the town of Solon, in said county, may be vacated.

Which was referred to a Select Committee, viz:

Messrs. Baker, Smyth, and Fay.

Mr. Mitchell presented the petition of 18 citizens of Scott county, praying the re-location of a part of the Territorial Road running from Elizabeth City, to its junction with the Territorial Road leading from Camanche to Iowa City;

Which was referred to the Committee on Roads and Highways.

Mr. Mitchell presented the petition of 93 citizens of Davenport, in Scott county, praying the passage of an act to amend the act of incorporation of said town.

Which was referred to the Committee on the Judiciary.

Mr. Fay gave notice, that he would, on to-morrow, ask leave to introduce

A Bill for the relief of William Parvin, Collector of Muscatine county.

Mr. Robb, from the Committee on Enrolled Bills, reported, that they had examined

An act to locate a Territorial Road from Davenport to Iowa City.

An act to allow Avery Thomas to change his name.

A Memorial to Congress, relative to granting the right of pre-emption to unsurveyed lands.

A Memorial to Congress, asking for an appropriation to pay the debts of previous Legislatures.

An act to establish a Territorial Road, from Iowaville, on the Des Moines river, to the Missouri line.

An Act to extend the Territorial road, from Mount Pleasant to the Indian boundary line.

An Act for the relief of Malcolm Murray, late of the firm of Murray and Sanxey, and found the same correctly enrolled.

The Speaker then signed said Acts and Memorials.

Mr. Walworth from the Committee on Engrossed Bills, reported, that the committee had examined, Nos. 34, 54, & 61, H. R File, and found the same correctly engrossed.

A Message from the Council by Mr. Wallace their Secretary.

MR. SPEAKER:

The Council have passed

No. 37, C. F. A Bill to locate a Territorial Road, from a certain point in Muscatine County therein named, to the rapids on Cedar river in Linn County.

No. 38. C. F. A Bill to locate a Territorial Road, from the southern line of Davis County, to the Northern line of Wapello County.

No. 39, C. F. A Bill to incorporate the Board of Trustees, of the Congregational Church and Society of Burlington,

Being a substitute for

No. 17, H. R, An Act to incorporate the board of Trustees of the Congregational Church of Burlington.

No, 42, C. F. A Bill to establish and locate a road from John Scott's farm, on Nassau Island, in Lee County, to intersect the road, leading from Keokuk to Farmington, at or near the residence of Phineas Hunt.

Also, with amendments,

No. 51, H. R. File, "A Bill relative to Religious Societies."

No. 85, H. R. Joint Resolutions, for the establishment of certain Post Routes.

No. 81. H. R. An Act to legalize the acts of James T. Harden, Recorder of Jefferson County.

In which the concurrence of the House is requested.

The Council have also passed without amendment,

No. 56, H. R. A Bill to amend an Act, entitled An Act for the election of Constables and defining their duties, approved, January 24th. 1839.

No. 60. H. R. A Bill to incorporate the Iowa Botanic Medical Society.

No. 71. H. R. A Resolution asking Congress for the establishment of a Post Route.

No. 80. H. R. A Bill to incorporate the subscribers for erecting a dam across the Muscatine Slough, and,

No. 82. H. R. A Bill to amend An Act, entitled An Act, to establish new counties, and define their boundaries, in the late cession from the Sac and Fox Indians, and for other purposes, approved, February 17, 1843.

I herewith present for your signature,

A Joint Resolution upon the subject of procuring from Congress compensation to the citizens of Iowa, for services rendered and expenses incurred, in defending the southern border of the Territory, and

An Act to amend An Act, entitled An Act to authorize R. M. G. Patterson to keep a ferry across the Mississippi river at the mouth of Nassau Slough.

The Council have receded from their disagreement to the amendment of the House, to

No. 8, C. F. "A Bill to amend an act, entitled An act to authorize

R. M. G. Patterson, to establish and keep a ferry, accross the Mississippi river, at the mouth of Nassau Slough, and

Disagreed to the amendments made by the House, to

No. 21, C. F. "A Bill to incorporate the Toolesborough Manufacturing Company, and

No. 30, C. File, "A Bill to incorporate the Wappesipinicon Mill Company.

And then he withdrew.

Mr. Wilson, from the Committee on Roads and Highways, reported the following bills, to wit:

No. 105, H. R. File, "A Bill to locate a Territorial Road from Iowa City to the Seat of Justice of Mahaska county;"

No. 106, H. R. File, "A Bill to locate and establish a Territorial Road from Fort Madison, in Lee county, to Salem, in Henry county."

No. 107, H. R. File, "A Bill to legalize the location of a Territorial Road from Davenport to Bellview."

Mr. Brierly, on leave, introduced

No. 108, H. R. File. "A Resolution, requesting an appropriation for the survey of the Half-Breed line."

Mr. Nowlin, on leave, introduced

No. 109, H. R. File, "A Bill to lay out a Territorial Road from Bennett's Mill, in Buchanan county, to, or near Wm. Myers', in Dubuque county."

Mr. Foley, on leave, introduced,

No. 110, H. R. File, "A Memoral to Congress for the establishment of a Mail Route from Galena, Ill., via Bellview to Iowa City.

Mr. Robb, from the Committee on Finance, submitted a report in relation to the Finances of the Territory, as follows.

The Committee of Finance, to whom was referred a resolution directing said Committee to enquire into, and report the amount of indebtedness of this Territory, beg leave to report.

That your Committee have not been able to ascertain to their own satisfaction, the precise amount of indebtedness of the Territory. We have, however, learned the painful truth, that our Territory is, in proportion to her means of payment, largely indebted. Your Committee are of the opinion that the first organization of a Territorial Treasury, and the appointment of a Territorial Auditor, was an unfortunate step in our early history, and has, together with the legislation that accompanied that act, been the fruitful mother of the greater part of our Territorial debt. We had an Auditor and a Treasurer, and we must of necessity give them employment, at least a sufficient quantity of it to frame an excuse for giving them a salary; and to pay that salary, a Territorial tax must be laid; and the door for taxation being once open, former legislatures, whether wisely or not your Committee will not determine, ordained that the costs of criminal prosecutions, in many cases where the United States failed, should be taxed to the Territory; this was, we believe, repealed one or two years ago; there is, however, a provision still in existence, by which the Terri-

tory may be taxed with the costs of prosecution when a criminal is convicted. This has been a fruitful source of debt. At the end of every criminal prosecution, it is very common for some attorney of the county where the prosecution was had, to move the court that the costs be taxed to the Territory, which is usually done; so that there is a reasonable prospect of Iowa following the example of the States in the way of contracting debts; and is about to commence the world with the equivocal blessing of being largely in debt. Your Committee present the following as a part only, of the debts, as there are some debts owed by the Territory, that your Committee could only learn that they were *debts*, without being able to learn the exact amount.

Amount as reported by the Auditor	$13,154 25
Debt to Dubuque Bank	6,000 00
Debt to Malcolm Murray	1,445 00
Debt for the penitentiary	3,187 62
Balance due Hughes & Williams for printing	2,830 00
Balance due William Crum for printing	924 50
Balance due Wilson & Keesecker	750 00
Making a grand total of	$28,291 37

There are other items and some of them large, that your Committee cannot give the amount of precisely, and therefore will not attempt anything further than to state the names of the creditors as far as they have come to the knowledge of your Committee. John B. Russell is a creditor of the Territory, for printing done for the last Legislature, but to what amount your Committee can only give report, which is said to be about $750; also a debt of a small amount, say $200, to Alfred Sanders of Davenport. Now to meet this debt, there is but $3,773 90 which is due to the Territorial Treasury from the several counties of this Territory, in relation to which, the Auditor holds the following language: "the undersigned feels well convinced that but little, if any of it will ever be made available to the Territory, unless some new mode should be adopted different from the present system of collecting and paying over the Territorial Revenue."

Your Committee would respectfully recommend that some provision be made in the present revenue bill for the speedy and prompt collection of the out-standig Territorial Revenue; and that a special Territorial tax be laid for the liquidation of the present Territorial debt. And your Committee would further suggest the propriety of abolishing all Territorial offices except those provided and paid for by the Government of the United States, at least after the present debt shall have been paid.

Also, the following entitled bill:

No. 111, H. R. File, "A Bill to provide for the payment of costs in certain cases."

Mr. Mitchell, on leave, introduced

No 112, H. R. File, "A Bill to abolish imprisonment for debt."

Said bills were severally read a first time, and No. 112 was,

On motion of Mr. Robb,

Ordered to be printed.

Mr. Thompson, from the Committee on the Judiciary, reported back with amendments,

No. 40, H. R. File, "A Bill vesting in married women all property acquired by them in their own right, either before or after marriage."

No. 5, C. F. "A Bill to provide for the expression of the opinion of the people relative to a State Government, as amended by the Select Committee, was taken up and considered, and the amendments to the 2d, 3d, and 4th sections concurred in.

A motion was made by Mr. Thompson, to so amend the bill, that Henry county should have six delegates in the Convention, instead of five.

And was decided in the negative.

A motion was made by Mr. Grimes, to so amend the bill, that Des Moines county should have 9 delegates in the Convention instead of 8.

And was decided in the negative.

Yeas 9, Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Culbertson, Grimes, Hackleman, Johnson, Robb, Steele, Thompson, Wilson, and Wright.

Those who voted in the negative are

Messrs. Baker. Bonney, Brierly, Borland, Brophy, Fay, Foley, Mitchell, McCleary, Nowlin, Rogers, Roberts, Smyth, Walworth, Wray, and Carleton, (Speaker.)

The question was then taken upon the apportionment of the delegates, as proposed by the Select Committee.

And decided in the affirmative.

Yeas 15—Nays 10.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Borland, Brophy, Fay, Foley, Hackleman, Mitchell, McCleary, Nowlin, Rogers, Smyth, Walworth, Wray, and Carleton (Speaker.)

Those who voted in the negative are,

Messrs. Bonney, Culbertson, Grimes, Johnson, Robb, Roberts, Steele, Thompson, Wilson, and Wright.

A motion was made by Mr. Thompson, to strike out Iowa City, as the place of meeting of the Convention, and insert Mount Pleasant.

Which was decided in the negative.

Yeas 9—Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affimartive are,

Messrs. Brierly, Culbertson, Grimes, Robb, Roberts, Steele, Thompson, Wilson, and Wright.

Those who voted in the negative are

Messrs. Baker, Bonney, Borland, Brophy, Fay, Foley, Hackleman, Johnson, Mitchell, McCleary, Nowlin, Rogers, Smyth, Walworth, Wray, and Carleton (Speaker.)

A motion was made by Mr. Grimes, to strike out Iowa City, and insert Burlington.

Which was decided in the negative.

Yeas 10, Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Brierly, Grimes, Hackleman, Johnson, Robb, Roberts, Steele, Thompson, Wilson, and Wright.

Those who voted in the negative are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Fay, Foley, Mitchell, McCleary, Nowlin, Rogers, Smyth, Walworth, Wray, and Carleton, (Speaker.)

A motion was made by Mr. Mitchell, to strike out Iowa City, and insert Davenport.

Which was decided in the negative.

Yeas 9—Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brierly, Grimes, Johnson, Mitchell, Robb, Roberts, Steele, Thompson, and Wilson.

Those who voted in the negative are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, McCleary, Nowlin, Rogers, Smyth, Walworth, Wray, Wright, and Carleton, (Speaker.)

The question was then taken on concurring in the report of the Committee in striking out Fort Madison, and inserting Iowa City.

And was decided in the affirmative.

Yeas 15—Nays 10.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Borland, Brophy Fay, Foley, Hackleman, Mitchell, McCleary, Nowlin, Rogers, Smyth, Walworth, Wray, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Brierly, Culbertson, Grimes, Johnson, Robb, Roberts, Steele, Thompson, Wilson, and Wright.

The question was then taken on the adoption of the following amendment, proposed by the Committee:

All free white male inhabitants, and foreigners, over the age of twenty-one years, who have declared their intentions of naturalization, and shall have resided six months in the Territory, shall be properly qualified as electors at the election for or against a State Government, and the election for delegates to a Convention to form a Constitution for a State Government; and also, for accepting or rejecting said Constitution, when submitted to the people.

And was decided in the affirmative.

Yeas 22—Nays 2.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Grimes, Hackleman, Johnson, McCleary, Nowlin, Roberts, Rogers, Smyth, Steele, Thompson Walworth, Wilson, Wray, Wright, and Carleton, (Speaker.)

Those voted in the negative are,

Messrs. Mitchell, and Robb.

On motion of Mr. Hackleman,

The House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Robb, from the Committee on Enrolled Bills, reported, that the Committee did, on the 29th inst., present to the Governor, for his approval,

An act to incorporate the Farmington Academy and High School.

An act to amend an act, entitled An act to incorporate the Farmers' Half-Breed Land Company of the county of Lee.

An act to incorporate the Common School Association of Henry county.

An act to authorize John O'Hara, his heirs and assigns, to establish and keep a Ferry across the Mississippi river at the town of Keokuk.

An act, donating certain property in Iowa City to the Mechanics' Mutual Aid Association.

A Joint Resolution, providing for the payment of Doolittle & Munson, for certain Seals.

A Joint Resolution, asking Congress for an appropriation to defray the expenses of a Treaty with the Pottowatomie Indians, &c.

Mr. Robb, from the Committee on Enrolled Bills, reported, that the Committee had examined

An act to incorporate the subscribers for erecting a Dam across the Muscatine Slough;

An act to incorporate the Iowa Botanic Medical Society;

An act to amend an act entitled An act to establish new counties, and define their boundaries, in the late cession from the Sac and Fox Indians, and for other purposes.

A Joint Resolution, asking Congress for the establishment of a Post Route, from Nauvoo to Montrose;

And found the same correctly enrolled.

The Speaker then signed said acts.

The House resumed the consideration of

No. 5, C. F. "A Bill to provide for the expression of the opinion of the people, relative to a State Government.

A motion was made by Mr. Grime, to strike out all after the 4th sec. of the bill.

Which was decided in the negative.

Yeas 9, Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Bonney, Fay, Grimes, Mitchell, Robb, Steele, Thompson, Walworth, and Wilson.

Those who voted in the negative, are

Messrs. Baker, Brierly, Borland, Brophy, Culbertson, Foley, Hackleman, Johnson, McCleary, Nowlin, Roberts, Rogers, Smyth, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Rogers, to so amend the bill, that the election for or against a State Government, should take place at the General Election, in August, instead of the Township election in April.

Which was decided in the negative.

Yeas 10, Nays 14.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Bonney, Fay, Grimes, Mitchell, Robb, Rogers, Steele, Thompson, Walworth, and Wilson.

Those who voted in the negative, are,

Messrs. Baker, Brierly, Borland, Brophy, Culbertson, Foley, Hackleman, Johnson, McCleary, Nowlin, Roberts, Smyth, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Grimes, to refer the bill to a Select Committee, with instructions to so change it, as to provide for taking the sense of the people upon the question of State Government in August, instead of April.

A motion was made by Mr. Bonney, to strike out of the instructions the word August.

Which was agreed to.

Mr. Grimes then moved to fill the blank with the words "some later time."

Pending which,

A motion was made by Mr. Rogers, that the bill be referred to the Committee on the Judiciary, with instructions to so change it as to provide for taking the expression of the people relative to the formation of a State Government, on the first Monday of August next.

Whhich, having precedence,

The question was taken, and decided in the negative.

Yeas 9, Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Fay, Grimes, Micthell, Robb, Rogers, Steele, Thompson, Walworth, and Wilson.

Those who voted in the negative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Hackleman, Johnson, McCleary, Nowlin, Roberts, Smyth, Wright, and Carleton, (Speaker.)

The question was then taken on inserting the words "some later time," in the motion made by Mr. Grimes.

And was decided in the negative.

Yeas 10, Nays 14.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Fay, Grimes, Mitchell, Robb, Rogers, Steele, Thompson, Walworth, Wilson, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson. Foley, Hackleman, Johnson, McCleary, Nowlin, Roberts, Smith, and Wright.

A motion was made by Mr. Bonney, to insert in said instructions the first Monday in July.

Which was decided in the negative.

Yeas 7, Nays 17.

The Yeas and Nays being demanded by members,

Those who voted in the affirmative, are

Messrs. Bonney, Grimes, Mitchell, Robb, Rogers, Walworth, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Baker, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, Johnson, McCleary, Nowlin, Roberts, Smyth, Steele, Thompson, Wilson, and Wright.

The question was then taken on referring the bill to a Select Committee without instructions;

And decided in the negative.

Yeas 8, Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Grimes, Mitchell, Robb, Rogers, Steele, Thompson, Walworth, and Wilson.

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, Johnson, McCleary, Nowlin, Roberts, Smyth, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Rogers, that the bill be indefinitely postponed.

Which was decided in the negative.

Yeas 8, Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Grimes, Mitchell, Robb, Rogers, Steele, Thompson, Walworth, and Wilson.

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, Johnson, McCleary, Nowlin, Roberts, Smyth, Wright, and Carleton, (Speaker.)

Mr. Rogers made a motion to strike out the enacting clause, when, Mr. McCleary called for the previous question:

And the call being seconded by a majority of the members,

The question was put, Shall the main question be now put?

And was decided in the affirmative.

Yeas 15, Nays 9.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Brierly, Borland, Brophy, Culbertson, Fay, Foley. Hackleman, Johnson, McCleary, Nowlin, Roberts, Smyth, Thompson, and Wright.

Those who voted in the negative, are

Messrs. Bonney, Grimes, Mitchell, Robb, Rogers, Steele, Walworth, Wilson, and Carleton, (Speaker.)

The previous question then being put, Shall the bill be read a third time to-morrow?

It was decided in the affirmative.

Yeas 17—Nays 7.

The yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, Johnson, Mc Cleary, Nowlin, Roberts, Smyth, Thompson, Wright and Carleton (Speaker.)

Those who voted in the negative, are

Messrs. Grimes, Mitchell, Robb, Rogers, Steele, Walworth and Wilson.

No. 64, H. R. File, "A Bill to authorize the Territorial Agent to sell lots in Iowa City to discharge the debt due the Miners' Bank of Dubuque," was read a second time, and ordered to be engrossed and read a third time to-morrow.

No. 75, H. R. File "A Bill defining lawful fences," was taken up and,

On motion of Mr. Hackleman,

The consideration postponed until Monday next.

On motion of Mr. Hackleman,

The House adjourned until to-morrow morning at 9 o'clock.

Thursday Morning, February 1, 1844.

Mr. Bonney presented the petition of Edward T. Colton, and John R. Bowen, of Van Buren county, praying that they may have the privilege of raising their Dam in the Des Moines river, to the height of eight feet.

Which was referred to the Committee on Corporations.

Mr. Hackleman presented the account of Jones and Powell, for articles furnished the Legislative Assembly, amounting to $420.64.

Which was referred to the Committee on Expenditures.

Mr. Rogers presented the petition of George W. Cummins, Sheriff of Dubuque county, praying the passage of an act, to compensate him for keeping prisoners in Jail.

Which was referred to the delegation from Dubuque county.

Mr. Fay, on leave, introduced

No. 113, H. R. File, "A Bill for the relief of William Parvin.

Mr. Johnson, on leave, introduced

No. 114, H. R. File, "A Bill supplemental to an act, relative to Mechanics' liens," and for other purposes.

Mr. Brierly from the Select Committee, appointed for that purposes, introduced

No. 115, H. R. File, "A Bill for the formation of the county of Jasper."

Mr. Walworth, on leave, introduced

No. 116, H. R. File, "A Bill to lay out and establish a Territorial Road, from Cedar Rapids, in Linn county, to the rapids on the Wappesipinicon in Buchanan county."

Mr. Wilson, from the Committee on Roads and Highways, introduced

No. 117, H. R. File, "A Bill to locate and establish a Territorial Road, from Brighton, in Washington county, to intersect the road from Mount Pleasant to Washington, in Washington county; also,

No. 118, H. R. File, "A Bill to locate a Territorial Road, from Deed's Mills, in Henry county, to Crippen's Mills in Washington county."

Mr. Grimes, on leave, introduced

No. 119, H. R. File, "A Bill amendatory of an act, entitled An act for the relief of the Poor, approved Feb. 16, 1842."

Said Bills were severally read a first time; and,

No. 114 was ordered to be printed.

Mr. Johnson from the Committee on Public Buildings, to whom was referred, the account of George Wein, for stone taken from land claimed by him, and used for the erection of the Capital, reported, that in

the opinion of the Committee, the account ought not to be allowed, from the fact, that the land was not owned by said Wein, but by the United States, the Committee would not however, sanction the taking of stone or timber, for public purposes, from the land claimed by any person, where it materially injured or lessened the value of such land, but in this case your Committee learn that no damage was done.

The report of the Committee was concurred in.

Mr. Thompson from the Committee on the Judiciary, reported back with sundry amendments.

No. 11, H. R. File, "A Bill to provide for assessing and collecting Public Revenue."

On motion of Mr. Fay,

Ordered, That 240 copies of the Bill be printed.

The following bills to wit:

No. 37, C. F. A Bill to locate a Territorial Road, from a certain point in Muscatine County therein named, to the rapids on Cedar river in Linn County.

No. 39, C. F. A Bill to incorporate the Board of Trustees, of the Congregational Church and Society of Burlington,

No. 38. C. F. A Bill to locate a Territorial Road, from the southern line of Davis County, to the Northern line of Wapello County.

No. 42. C. F. "A Bill to establish and locate a road, from John Scott's farm, on Nassau Island in Lee county, to intersect the road leading from Keokuk to Farmington, at or near the residence of Phineas Hunt."

Were severally read a first time.

No. 81, H. R. File, "A Bill to legalize the acts of James T. Harden, recorder of Jefferson county," as amended by the Council was concurred in.

No. 30, C. File, "A Bill to incorporate the Wappesipinicon Mill Company.

Being returned from the Council, with the following section added by the House disagreed to. To wit:

Sec. 7. Any future Legislature may alter amend or repeal this act.

A motion was made by Mr. Rogers, that the House insist upon its amendment.

Which was decided in the affirmative.

Yeas 13—Nays 10.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Bonney, Borland, Brophy, Culbertson, Fay, Foley, Hackleman Johnson, Nowlin, Rogers, Smyth, Thompson and Wright.

Those who voted in the negative are,

Messrs. Brierly, Grimes, Mitchell, McCleary, Robb, Roberts, Steele, Walworth, Wilson, and Carleton [Speaker.]

No. 21, C. F. "A Bill to incorporate the Toolesborough Manufacturing Company,"

Being returned from the Council with the amendment of the House disagreed to. To wit:

That any future Legislature may alter, amend, or repeal this act.

A motion was made by Mr. Fay, that the House insist upon its amendment.

Which was decided in the negative.

Yeas 10—Nays 13.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Bonney, Borland, Brophy, Culbertson, Fay, Foley, Nowlin, Rogers, Smyth and Thompson.

Those who voted in the negative are,

Messrs. Brierly, Grimes, Hackleman, Johnson, Mitchell, McCleary, Robb, Roberts, Steele, Walworth, Wilson, Wright, and Carleton (Speaker.)

No 85, H. R. File, "Joint Resolution for the establishment of certain Post Routes," as amended by the Council, was concurred in.

No. 51, H. R. File, "A Bill relative to Religious Societies," as amended by the Council was concurred in.

No. 40, H. R. File, "A Bill vesting in married women all property acquired by them in their own right, either before or after marriage."

Was read a second time.

A motion was made by Mr. Mitchell, to strike out all after the enacting clause.

And decided in the affirmative.

Yeas 12—Nays 11.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Borland, Fay, Hackleman, Mitchell, Robb, Roberts, Smyth, Walworth, Wilson, Wright, and Carleton (Speaker.)

Those who voted in the negative are,

Messrs. Brierly, Brophy, Culbertson, Foley, Grimes, Johnson, McCleary, Nowlin, Rogers, Steele, and Thompson.

A motion was made by Mr. Wilson, to strike out the enacting clause.

Which was agreed to.

No. 91, H. R. File, "A Bill supplemental to an act relative to proceedings in Chancery, approved, Jan. 23 1839."

Was read a second time.

And referred to the Committee on the Judiciary.

No. 94, H. R. File, "A Bill to amend an act entitled An act, regulating Mills and Millers, approved, Feb. 3, 1843.

Was read a second time.

And referred to a Committee of the Whole House, and made the order of the day to-morrow.

No. 95, H. R. File, "A Bill to amend an act entitled An act, to establish a Ferry across the Mississippi, approved Jan. 18, 1838."

No. 96, H. R. File, "A Bill to incorporate the Mount Pleasant Collegiate Institute."

No. 97, H. R. File, "A Memorial to Congress for a township of

land, for the Jackson County Academy."

No. 98, H. R. File, "A Bill to establish a Seminary of Learning, at De Witt, in Clinton county."

No. 99, H. R. File, "A Bill declaring a certain Road therein named a public Highway,"

No. 101, H. R. File, "A Bill to amend an act, entitled An act for the incorporation of the town of Farmington, approved Jan. 11th, 1841."

No. 103, H. R. File, "A Bill to authorize the payment of the expenses, of laying out a certain Territorial Road."

No. 104, H. R. File, "A Bill to amend an act, entitled An act to establish a Seminary of learning in Louisa county."

No. 105, H. R. File, "A Bill to locate a Territorial Road, from Iowa City, the seat of Justice of Mahaska county."

No. 106, H. R File, "A Bill to locate and establish a Territorial Road from Fort Madison, in Lee county, to Salem, in Henry county."

No. 107, H. R. File, "A Bill to legalize the location of a Territorial Road, from Davenport to Bellview."

No. 109, H. R. File, "A Bill to lay out a Territorial Road, from Bennett's Mills, in Buchanan county, to or near Wm. Myers' in Dubuque county."

No. 110, H. R. File, "A Memorial to Congress, for the establishment of a Mail route, from Galena Ill. via Bellview, to Iowa City."

Said Bills were severally read a second time, and ordered to be engrossed and read a third time to-morrow.

No. 100, H. R. File, "A Bill for opening section lines."

Was read a second time; and,

On motion of Mr. McCleary,

Referred to a Committee of the Whole House, and made the order of the day for Wednesday next.

No. 102, H. R. File, "A Bill to establish the time of holding the District Courts, in the several Judicial Districts in this Territory."

Was read a second time, and,

Referred to to a Committee of the Whole House, for the consideration of the same.

And after sometime spent therein,

Mr. Speaker resumed the chair, and Mr. Robb reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same to the House with amendments, and ask its concurrence.

The report was concurred in.

On motion of Mr. Grimes,

Ordered, That the 42d. rule be suspended, and the bill be read a third time now.

The bill was read a third time and passed.

On motion of Mr. Nowlin,

The rules were for the time being suspended, and,

No. 78, H. R. File, "A Bill to organize the county of Delaware, and to provide for holding Court in the same."

Was taken from the table, and after being slightly amended.

Was read a third time and passed.

No. 108, H. R. File, "A Resolution requesting the survey of the Half Breed line."

Was read a second time, and,

On motion of Mr. Bonney,

Referred to the Committee on Territorial Affairs.

No. 111, H. R. File, "A Bill to provide for the payment of costs in certain cases."

Was read a second time, and,

On motion of Mr. Robb,

Referred to a Committee of the Whole House, and made the order of the day for Wednesday next.

No 7. C. F. "A Bill to incorporate the Iowa City Manufacturing Company."

Was read a second time, and,

On motion of Mr. Carleton,

The consideration was postponed until Monday next.

No. 15, C. F. "A Bill to encourage the destruction of Wolves."

Was read a second time, and,

On motion of Mr. Rogers,

Referred to a Committee of the Whole House, and made the order of the day for to-morrow.

No. 35, C. F. "A Bill to locate a Territorial Road from Iowaville in Van Buren county, to Autumwa in Wapello county;" also,

No. 36, C. F. "A Bill to locate a Territorial Road, from the old Indian boundary line, in Des Moines township in Jefferson county, to the seat of Justice of Mahaska county."

Were severally read a second time, and,

On motion of Mr. Culbertson,

Ordered to be read a third time to-morrow.

No. 34, H. R. File, "A Bill amendatory of an act entitled An act, to organize, discipline and govern the Militia of this Territory."

Was read a third time.

A motion was made by Mr. Baker, to refer the bill to a Select Committee of one, from each Judicial district, with instructions to so amend the bill, as to form a new division.

Which was decided in the negative. Yeas 9—Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Foley, McCleary, Roberts, and Walworth.

Those who voted in the negative are,

Messrs. Brierly, Fay, Grimes, Hackleman, Johnson, Mitchell, Nowlin, Robb, Rogers, Smyth, Steele, Thompson, Wilson, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Brophy, to indefinitely postpone the Bill.

Which was decided in the negative.

Yeas 8, Nays 16.

The Yeas and Nays being demanded by members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, McCleary, Steele, and Walworth.

Those who voted in the negative, are

Messrs. Brierly, Fay, Foley, Grimes, Hackleman, Johnson, Mitchell, Nowlin, Robb, Roberts, Rogers, Smyth, Thompson, Wilson, Wright and Carleton, (Speaker.)

The qeustion was then put? shall the Bill pass?

It was passed in the affirmative.

Yeas 15—Nays 9.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Brierly, Fay, Foley, Grimes, Hackleman, Johnson, Mitchell, Nowlin, Robb, Rogers, Smyth, Thompson, Wilson, Wright and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, McCleary, Roberts, Steele, and Walworth.

So the Bill passed.

The following bills, to wit:

No. 54, H. R. File, "A Bill amendatory of an act, entitled an act, to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings."

No. 61, H. R. File, "A Bill for the improvement of Sheep."

No. 79, H. R. File, "A Bill to legalize the location of a Territorial Road, from Bellview to Iowa City."

No. 87, H. R. File, "A Bill for the relief of Rev. Isaac Searles, minister of the gospel."

No. 88, H. R. File, "A Bill to legalize the acts of Justices of the Peace, and Constables in certain cases."

Were severally read a third time and passed.

No. 92, H. R. File, "Joint Resolutions, relative to the repaymet of the fine imposed upon Gen. Jackson."

Was read a read a third time,

And the question being put? shall the Resolutions pass?

They passed in the affirmative. Yeas 21, Nays 3.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Grimes, Hackleman, Johnson, McCleary, Nowlin, Roberts, Rogers, Smyth, Steele, Thompson, Walworth, Wright and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Mitchell, Robb, and Wilson.

No. 5, C. F. "A Bill to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation

of a State Constitution for the State of Iowa."

Was read a third time.

And the question being put, Shall the bill pass?

It passed in the affirmative.

Yeas 16—Nays 8.

The yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Hackleman, Johnson, McCleary, Nowlin, Roberts, Smyth, Wright and Carleton (Speaker.)

Those who voted in the negative, are

Messrs. Grimes, Mitchell, Robb, Rogers, Steele, Thompson, Walworth and Wilson.

So the Bill passed.

Ordered, That the Council be informed accordingly.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed

No. 29, C. F. "A Bill to incorporate the Dubuque Mining Company."

No. 32, C. F. "A Bill to allow John Godden and others of Van Buren county, further time to construct a Dam across the Des Moines river at Pittsburgh, in said county."

No. 40, C. F. "A Bill to amend an act entitled An act, to abolish imprisonment for debt, approved Feb. 8th. 1843."

No. 43, C. F. "A Memorial to Congress for an appropriation of land to complete the Iowa Penitentiary."

No. 44, C. F. "A Memorial to Congress, requiring the Governor and Secretary to keep their offices at Iowa City."

Also with amendments,

No. 58, H. R. File, "Joint Resolution providing for the publication of the laws."

No, 83, H. R. File, "A Memorial to Congress, asking for a donation of land, for the Iowa City College."

In all of which the concurrence of the House of Representatives is requested.

The Council have passed without amendment.

No. 55, H. R. File, "A Bill to incorporate the Grandview Literary and Philosophical Society of Louisa county; and,

No. 70, H. R. File, "A Bill to locate and establish a Territorial Road, from Brighton in Washington county, to the county seat of Mahaska county."

I herewith present for your signature.

An act to authorize Guy Wells, and James Wilson, to establish and keep a ferry, across the Mississippi river, at Fort Madison, in Lee county.

And then he withdrew.

The Speaker signed said act.

And then the House adjourned until to-morrow at 10 o'clock, A. M.

Friday Morning, February 2, 1844.

Mr. Grimes presented the petition of 150 citizens of Des Moines county, praying the incorporation of the "Jefferson Academy." Also,

The petition of 21 citizens of Louisa county, on the same subject.

Which were laid on the table.

Mr. Nowlin presented the petition of 52 citizens of Dubuque and Delaware counties, praying the location of a Territorial Road, from Delhi, in Delaware county, to Cascade, in Dubuque county.

Which was referred to the delegation from Dubuque county.

Mr. Rogers presented the petition of 60 citizens of Dubuque, Delaware, and Jones counties, praying that the Legislature memorialize Congress to have the mail carried from Dubuque to Iowa City, on the Military or Territorial Road, via Cascade, Fairview, and Ivanhoe, instead of Edinburg, Walnut Fork, Tipton, and Cedar river.

Which was referred to the delegation from Dubuque, Cedar, Jones, and Linn counties.

Mr. Johnson gave notice, that he would, on to-morrow, introduce

A bill to amend An act for the organization of townships, approved Feb. 17, 1842.

On motion of Mr. Grimes,

The rules of the House were for the time being suspended, when he introduced,

No. 120, H. R. File, "A Bill to incorporate the Jefferson Academy,"

Which was read a first, second, and third time, and passed.

Mr. Grimes, from the Committee on the Judiciary, reported back, with amendments,

No. 91, H. R. File, "A Bill amendatory to an act entitled An act relative to proceedings in Chancery, approved Jan. 23, 1839."

Which were read a first time.

Mr. Baker, from the Select Committee, appointed on the subject, reported

No. 121, H. R. File, "A Bill to vacate a part of the town of Solon, in Johnson county.

Mr. Robb, on leave, introduced

No. 122, H. R. File, "A Bill to authorize the County Commissioners of the county of Henry to vacate a part of Webster street, in the town of Mount Pleasant, in said county.

Mr. Grimes, from the Committee on the Judiciary, reported,

No. 123, H. R. File, "A Bill to repeal certain acts herein named.

Mr. Rogers, on leave, introduced

No. 124, H. R. File, "A Bill for the relief of George W. Cummins."

Said bills were severally read a first time.

Mr. Rogers, from the Committee on Territorial Affairs, reported back, without amendment,

No. 108, H. R. File, "A Resolution, requesting the survey of the Half-Breed line.

Mr. Walworth, from the Committee on Engrossed Bills, reported, that they had examined

Nos. 64, 98, and 101, H. R. File, and found the same correctly engrossed.

Mr. Robb, from the Committee on Enrolled Bills, reported that they had examined

An act to amend an act, entitled An act for the election of Constables, and defining their duties.

An act to incorporate the Dubuque, Clayton, Delaware, and Jackson Mutual Fire Insurance Company,

And found the same correctly enrolled.

The Speaker signed said acts.

No. 58, H. R. File, "A Joint Resolution, providing for the publication of the laws," being returned from the Council with an amendment, "requiring the Secretary of the Territory to receive proposals for the printing of the laws, and to employ the lowest bidder."

A motion was made by Mr. Johnson, that the House disagree to said amendment;

Which was decided in the affirmative.

Yeas 23, Nays 2.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Grimes, Hackleman, Johnson, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Steele, Thompson, Wilson, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are,

Messrs. Mitchell, and Walworth.

No. 83, H. R. File, "A Memorial to Congress, asking for a donation of land for the Iowa City College," as amended by the Council, was concurred in.

The following bills, to wit:

No. 29, C. F. "A Bill to incorporate the Dubuque Mining Company."

No. 32, C. F. "A Bill to allow John Godden and others, of Van Buren county, further time to construct a Dam across the Des Moines river, in said county."

No. 40, C. F. "A Bill to amend an act, entitled An act to abolish imprisonment for debt."

No. 43, C. F. "A Memorial to Congress, for an appropriation of land to complete the Iowa Penitentiary;"

No. 44, C. F. "A Memorial to Congress, requiring to Governor and Secretary to keep their offices at Iowa City;"

Were severally read a first time.

No. 89, H. R. File, "A Bill regulating Marriages, and abolishing licenses therefor,"

Being the order of the day, was referred to a Committee of the Whole House for the consideration of the same.

And after sometime spent therein, Mr. Speaker resumed the Chair, and Mr. Smyth reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

And then the House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The House resumed the consideration of No. 89, H. R. File, and concurred in the amendments made by the Committee of the Whole House at the morning session.

A motion was made by Mr. Wilson, to refer the bill to a Select Committee, which was decided in the negative.

The question was then taken on the engrossment of the bill, and was decided in the affirmative.

Yeas 15, Nays 9.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Brophy, Culbertson, Fay, Hackleman, Johnson, McCleary, Roberts, Rogers, Smyth, Thompson, Wray, and Wright.

Those who voted in the negative are,

Messrs. Foley, Grimes, Micthell, Nowlin, Robb, Steele, Walworth, Wilson, and Carleton, (Speaker.)

No. 15, C. F. "A Bill to encourage the destruction of Wolves,"

Being the order of the day, was referred to a Committee of the Whole House for the consideration of the same.

And after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Steele reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

The House concurred in the report of the Committee.

A motion was made by Mr. Baker, to add the following to the first section:

"Except the counties of Keokuk, Mahaska, Wapello, Davis, and Delaware, which shall be required to pay one-half the amount aforesaid."

A motion was made by Mr. Brophy, to include the county of Clinton.

Which was decided in the negative.

Yeas 8—Nays 17.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Borland, Brophy, Foley, Nowlin, Roberts, and Rogers.

Those voted in the negative are,

Messrs. Bonney, Culbertson, Fay, Grimes, Hackleman, Johnson,

Mitchell, McCleary, Robb, Smyth, Steele, Thompson, Walworth, Wilson, Wray, Wright, and Carleton, (Speaker.)

The question was then taken on the amendment of Mr. Baker, and decided in the affirmative.

Yeas 16—Nays 9.

The Yeas and Nays being demanded by two members,

Those who voted in the affimartive are,

Messrs. Baker, Brierly, Borland, Brophy, Culbertson, Foley, Johnson, McCleary, Nowlin, Roberts, Rogers, Smyth, Steele, Thompson, Walworth, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Bonney, Fay, Grimes, Hackleman, Mitchell, Robb, Wilson, Wray, and Wright.

A motion was made by Mr. Rogers, to strike out the words "and required," which makes it imperative on the County Commissioners to offer a reward for the killing of wolves.

And was decided in the negative.

Yeas 7, Nays 18.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Bonney, Brierly, Borland, Brophy, Culbertson, Nowlin, and Rogers.

Those who voted in the negative, are

Messrs. Baker, Fay, Foley, Grimes, Hackleman, Johnson, Mitchell, McCleary, Robb, Roberts, Smyth, Steele, Thompson, Walworth, Wilson, Wray, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Rogers, to so amend the bill as to fix the rewards at one-half the amount proposed.

Which was decided in the negative.

Yeas 11, Nays 14.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker. Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Mitchell, Nowlin, Rogers, and Wray.

Those who voted in the negative are

Messrs. Fay, Grimes, Hackleman, Johnson, McCleary, Robb, Roberts, Smyth, Steele, Thompson, Walworth, Wilson, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Brophy, to strike out the enacting clause of the bill.

Which was decided in the negative.

Yeas 4, Nays 21.

The yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Bonney, Borland, Brophy, and Culbertson.

Those who voted in the negative, are

Messrs. Baker, Brierly, Fay, Foley, Grimes, Hackleman, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Steele,

Thompson, Walworth, Wilson, Wray, Wright, and Carleton, (Speaker.)

The bill was then ordered to be read a third time to-morrow.

No. 112, H. R. File, "A Bill to abolish imprisonment for debt," was read a 2d time, and,

On motion of Mr Mitchell,

Postponed until Monday next.

No. 113, H. R. File, "A Bill for the relief of Wm. Parvin, was read a second time, and,

On motion of Mr. Fay,

The 42d rule was suspended, and the bill read a third time, and passed.

No. 114, H. R. File, "A Bill supplemental to an act entitled an Act relative Mechanics' Liens, and for other purposes,"

Was read a second time, and referred to a Committee of the Whole House, and made the order of the day to-morrow.

No. 115, H. R. file, "A Bill to organize the county of Jasper, was read a second time, and,

On motion of Mr. Bonney,

Referred to a Select Committee, viz:

Messrs. Brierly, Roberts, Steele, Robb, Hackleman, and McCleary.

The following bills, to wit:

No. 116, H. R. File, "A Bill to lay out and establish a Territorial Road from the Cedar Rapids, in Linn county, to the Rapids on the Wappesipinicon, in Buchanan county;"

No. 117, H. R. File, "A Bill to locate and establish a Territorial Road, from Brighton, in Washington county, to intersect the road from Mount Pleasant, to Washington, in Washington county.

No. 118, H. R. File, "A Bill to locate a Territorial Road from Deeds' Mill, in Henry county, to Crippen's Mills, in Washington county."

No. 119, H. R. File, "A Bill amendatory of an act, entitled an act for the relief of the Poor;"

Were severally read a second time, and ordered to be engrossed and read a third time to-morrow.

The following bills, to wit:

No. 37, C. F. "A Bill to locate a Territorial Road from a certain point in Muscatine county, therein named, to the rapids, on Cedar River, in Linn county."

No. 38. C. F. A Bill to locate a Territorial Road, from the southern line of Davis County, to the Northern line of Wapello County.

No. 39, C. F. A Bill to incorporate the Board of Trustees, of the Congregational Church and Society of Burlington,

No. 42. C. F. "A Bill to establish and locate a road, from John Scott's farm, on Nassau Island in Lee county, to intersect the road leading from Keokuk to Farmington.

Were severally read a 2d time, and ordered to be read a third time to-morrow.

The following bills, to wit:

No. 35, C. F. "A Bill to locate a Territorial Road from Iowaville in Van Buren county, to Autumwa, in Wapello county"

No. 36, C. F. "A Bill to locate a Territorial Road, from the old Indian boundary line, in Des Moines township in Jefferson county, via Agency City, to the seat of Justice of Mahaska county."

No. 98, H. R. File, "A Bill to establish a Seminary of Learning, at De Witt, in Clinton county."

No. 101, H. R. File, "A Bill to amend an act, entitled An act for the incorporation of the town of Farmington,"

Were severally read a third time, and passed.

Ordered, That the Council be informed accordingly.

No. 64, H. R. File, "A Bill authorizing the Territorial Agent to sell lots in Iowa City, to discharge the debt due the Miners' Bank of Dubuque;"

Was read a third time, and,

On motion of Mr. Rogers,

Laid on the table.

Mr. Thompson, on leave, introduced,

No. 125, H. R. File, "A Bill to incorporate the Mount Pleasant Lyceum,"

Which was read a first time.

A Message from the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER:

I am directed to inform the House, that the Council insist upon their amendment to

No. 58, H. R. File, "A Joint Resolution, providing for the publication of the laws."

And have appointed Messrs. Elbert and Harris a Committee of Conference in relation thereto.

And then he withdrew.

On motion of Mr. Hackleman,

Ordered, That a Committee of Conference be appointed on the part of the House.

Messrs. Hackleman and Rogers were accordingly appointed.

On motion of Mr. McCleary,

No. 57, H. R. File, "A Bill to authorize the administrators of John Jones, deceased, to make a title to certain real estate in Grandview, Louisa county,"

Was taken from the table.

And the question being put,

Shall the bill be engrossed and read a third time to-morrow.

It was decided in the affirmative.

Yeas 19, Nays 6.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Brierly, Culbertson, Fay, Foley, Hackleman, Johnson, McCleary, Robb, Roberts, Smyth, Steele, Thompson, Walworth, Wilson, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Bonney, Brophy, Grimes, Mitchell, Nowlin, and Rogers.

Mr. Walworth, from the Committee on Engrossed Bills, reported, that they had examined Nos. 95, 96, 97, 99, 103, 105, 106, 107, 109, 110, and found the same correctly engrossed.

On motion of Mr. Wilson,

Ordered, That the House do now adjourn until to-morrow morning at 10 o'clock.

Saturday Morning, February 3, 1844.

Mr. Baker gave notice, that he would on Monday next, introduce

A Bill to amend the Militia law, so as to form a fourth Division.

Mr. Culbertson gave notice, that he would, on Monday next, introduce

A Bill to establish a fourth Judicial District.

Mr. McCleary gave notice, that he would, some day during the present session, ask leave to introduce

A Bill to perfect the collection of taxes in Louisa county.

Mr. Grimes, from the Committee on Corporations, reported

No. 126, H. R. File, "A Bill authorizing the raising of Dams on the Des Moines river."

Mr. Rogers, from the Select Committee to which the subject was referred, reported

No. 127, H. R. File, "A Resolution relative to a change of the Mail Route, from Iowa City to Dubuque."

Mr. Grimes from the Committee on the Judiciary, reported

No. 128, H. R. File, "A Bill amendatory of an act, entitled An act, regulating Conveyances, approved Feb. 16, 1843."

Mr. Nowlin on leave, introduced

No. 129, H. R. File, "A Bill to lay out a Territorial Road, from Delhi in Delaware county, to Cascade in Dubuque county."

Mr. Johnson on leave, introduced

No. 130, H. R. File, "A Bill to amend an act, for the organization of townships, approved Feb. 17, 1842."

Which was read a first time.

Mr. Robb from the Select Committee to which was referred, the petition of George Andrews, submitted a report in relation thereto.

Which was read as follows:

The Select Committee to which was referred the Memorial of George Andrews, ask leave to submit the following report:

Your Committee are satisfied from an examination of the case that the memorialist purchased the lots described in his memorial, under

an impression that the mineral spring, adjacent to said lots was public property, and that this impression was made on his mind, by the map or plat of Iowa City, exhibited in the office of the Territorial Agent, on which, said spring was marked as a reserve. Your Committee are also satisfied from an examination of other persons who resided in Iowa City at the date of the sale, that the opinion was general at that time that said spring was public property, and that this opinion was created by the map or plat above referred to. It seems however, that another and older plat was on record, which was not exhibited in the office, and which represented said spring as it really is, private property. Your Committee are satisfied that owing to this impression, the memoralist was induced to give more for said lots than their appraised value, and that his prayer for relief is reasonable and ought to be granted; and ask leave to report the following entitled bill.

No. 131, H. R. File, "A Bill for the relief of George Andrews."

Said bill was read a first time

Mr. Walworth from the Committee on engrossed Bills, reported, that they had examined, Nos. 57, 89, 104, 116, 118 and 119, H. R. File, and found the same correctly engrossed.

Mr. Hackleman, from the Committee of Conference, appointed relative to the disagreeing vote of the two Houses, on

No. 58 H. R. File, "A Joint Resolution, relative to the printing of the laws of the present session,"

Reported, that the Committee, had had the same under consideration, and directed him to recommend, that the House insist upon its disagreement to the amendment of the Council.

The report of the Committee was concurred in.

Mr. Thompson, from the Committee on the Judiciary, reported back with amendments,

No. 77, H. R. File, "A Bill for an act amendatory of An act, subjecting real and personal estate to execution,

Which were read a first time.

Mr. Robb from the Committee on Enrolled Bills, reported

That they had examined,

An act to incorporate the Jefferson Academy.

An act to legalize the acts of James T. Harden, Deputy Recorder of Jefferson county.

An act to incorporate the Grandview Literary and Philosophical Society.

Joint Resolutions for the establishment of certain Post Routes.

An act to locate and establish a Territorial Road, from Brighton in Washington county, to the county seat of Mahaska county.

An act relative to Religious Societies.

And found the same correctly enrolled.

The Speaker then signed said acts.

No. 114, H. R. File, "A Bill supplemental to an act, entitled an act, relative to Mechanics' Liens, and for other purposes, being the order of the day, was referred to a Committee of the Whole House for the con-

sideration of the same.

And after some time spent therein,

Mr. Speaker resumed the chair, and Mr. Wright reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same to the House without amendment.

On motion the Bill was referred to a Select Committee, viz:

Messrs. Johnson, Robb and Mitchell.

The following Bills, to wit:

No. 91, H. R. File, "A Bill amendatory to an act entitled An act relative to proceedings in Chancery."

No. 121, H. R. File, "A Bill to vacate a part of the town of Solon, in Johnson county.

No. 122, H. R. File, "A Bill to authorize the County Commissioners of the county of Henry to vacate a part of Webster-street, in the town of Mount Pleasant, in said county.

No. 123, H. R. File, "A Bill to repeal certain acts herein named.

No. 124, H. R. File, "A Bill for the relief of George W. Cummins."

No. 125, H. R. File, "A Bill to incorporate the Mount Pleasant Lyceum."

Were severally read a second time; and,

Ordered to be engrossed and read a third time, on Monday next.

The following bills, to wit:

No. 29, C. F. "A Bill to incorporate the Dubuque Mining Company."

No. 32, C. F. "A Bill to allow John Godden and others of Van Buren county, further time to construct a Dam across the Des Moines river, at Pittsburg, in said county.

No. 43, C. F. "A Memorial to Congress, for an appropriation of land to complete the Iowa Penitentiary,"

Were severally read a second time, and ordered to be read a third time on Monday next.

No, 108, H. R. File, "A Resolution, requesting the survey of the Half-Breed Line."

No. 40, C. F. "A Bill to amend an act entitled an Act to abolish imprisonment for debt,"

Were severally read a second time, and ordered to lie on the table.

No. 44, C. F. "A Memorial to Congress, requiring the Governor and Secretary to keep their offices at Iowa City,"

Was read a second time.

A motion was made by Mr. Grimes, to lay the Memorial on the table;

Which was decided in the negative.

Yeas 9—Nays 13.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Brierly, Grimes, Johnson, Robb, Rogers, Steele, Thompson, Wilson, and Wright.

Those who voted in the negative are,

Messrs. Bonney, Borland, Brophy, Culbertson, Hackleman, Mitchell, McCleary, Nowlin, Smyth, Wray, and Carleton (Speaker.)

A motion was made by Mr. Foley, that the 42d rule be suspended, in order that the Memorial might be read a third time now.

Which was decided in the negative.

Yeas 9—Nays 13.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Brophy, Culbertson, Fay, Foley, McCleary, Nowlin, Smyth, Wray, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Bonney, Brierly, Borland, Grimes, Hackleman, Johnson, Mitchell, Robb, Rogers, Steele, Thompson, Wilson, and Wright.

The question was then put,

Shall the Memorial be read a third time on Monday next.

And was decided in the affirmative.

Yeas 13—Nays 9.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Bonney, Borland, Brophy, Culbertson, Fay, Foley, Mitchell, McCleary, Nowlin, Rogers, Smyth, Wray, and Carleton (Speaker.)

Those who voted in the negative are,

Messrs. Brierly, Grimes, Hackleman, Johnson, Robb, Steele, Thompson, Wilson, and Wright.

The following bills, to wit:

No. 95, H. R. File, "A Bill to amend an act entitled an Act to establish a Ferry across the Mississippi river, approved Jan. 18, 1838."

No. 96, H. R. File, "A Bill to incorporate the Mount Pleasant Collegiate Institute."

No. 97, H. R. File, "A Memorial to Congress, for a township of land for the Jackson County Academy."

No. 99, H. R. File, "A Bill declaring a certain road, therein named a public highway.

No. 103, H. R. File, "A Bill to authorize the payment of the expenses of laying out a certain Territorial Road."

No. 105, H. R. File, "A Bill to locate a Territorial Road from Iowa City, to the seat of Justice of Mahaska county."

No. 106, H. R. File, "A Bill to locate and establish a Territorial Road from Fort Madison, in Lee county, to Salem, in Henry county."

No. 107, H. R. File, "A Bill to legalize the location of a Territorial Road, from Davenport to Bellview."

No. 109, H. R. File, "A Bill to lay out a Territorial Road, from Bennett's Mills, in Buchanan county, to or near Wm. Myers' in Dubuque county."

No. 104, H. R. File, "A Bill to amend an act, entitled An act to establish a Seminary of learning in Louisa county."

No. 110, H. R. File, "A Memorial to Congress, for the establishment of a Mail route, from Galena, Ill. via Bellview, to Iowa City."

No. 116, H. R. File, "A Bill to establish a Territorial Road from

the Cedar Rapids, in Linn county, to the Rapids on the Wappesipinicon, in Buchanan county."

No. 118, H. R. File, "A Bill to locate a Territorial Road from Deeds' Mill, in Jefferson county, to Crippens' Mill, in Washington county."

No. 119, H. R. File, "A Bill amendatory of an act, entitled an Act for the relief of the Poor, approved Feb. 16, 1842."

No. 15, C. F. "A Bill to encourage the destruction of Wolves."

No. 37, C. F. "A Bill to locate a Territorial Road from a certain point, in Muscatine county, to the Rapids on Cedar river, in Linn county."

No. 38, C. F. "A Bill to locate a Territorial Road from the southern line of Davis county, to the northern line of Wapello county."

No. 39, C. F. "A Bill to incorporate the Board of Trustees of the Congregational Church and Society of Burlington."

No. 42, C. F. "A Bill to locate a Road from John Scott's farm, on Nassau Island, in Lee county, to intersect the road leading from Keokuk to Farmington;"

Were severally read a third time, and passed.

Ordered, That the Council be informed accordingly.

No. 57, H. R. File, "A Bill to authorize the administrators of John Jones, deceased, to make a title to certain real estate,"

Was read a third time.

And the question being put,

Shall the bill pass?

It passed in the affirmative.

Yeas 16, Nays 7.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Brierly, Borland, Culbertson, Fay, Foley, Hackleman, Johnson, McCleary, Robb, Smyth, Steele, Thompson, Wilson, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Bonney, Brophy, Grimes, Mitchell, Nowlin, Rogers, and Walworth.

No. 89, H. R. File, "A Bill regulating Marriages, and abolishing licenses therefor;"

Was read a third time.

A motion was made by Mr. Grimes, that the bill be referred to a Select Committee.

And was decided in the affirmative.

Yeas 13—Nays 11.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brierly, Foley, Grimes, Johnson, Mitchell, Nowlin, Robb, Smyth, Steele, Walworth, Wilson, Wray, and Carleton (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Fay, Hackleman, McCleary, Rogers, Thompson, and Wright.

So the bill was committed to a Select Committee, viz: Messrs. Grimes, Thompson, Baker, Foley, McCleary, Nowlin, and Bonney.

A Message from the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER:

The Council have passed

No. 47, C. F. "Joint Resolution, relative to the University Lands of Iowa Territory."

No. 120, H. R. File, "An act to incorporate the Jefferson Academy."

I herewith return

An act to establish a Territorial Road from Iowaville, on the Des Moines river, to the Missouri line, at the point where the Mormon trace crosses said line.

An act to amend an act entitled 'An act for the election of Constables and defining their duties, approved Jan. 24, 1839.'

An act for the relief of Malcolm Murray, late of the firm of Murray and Sanxey.

An act to allow Avery Thomas to change his name.

An act to amend an act entitled 'An act to establish new counties and define their boundaries, in the cession from the Sac and Fox Indians, and for other purposes, approved Feb. 17, 1843.

An act to extend the Territorial Road from Mt. Pleasant to the Indian boundary line, via Autumwa, Eddysville, to Lake Prairie, opposite the mouth of White-breast, in the county of Mahaska.

An act to organize the counties of Keokuk and Mahaska.

An act to locate a Territorial Road from Davenport to Iowa City.

An act to incorporate the Dubuque, Clayton, Delaware, and Jackson Mutual Fire Insurance Company.

An act to incorporate the subscribers for erecting a Dam across the Muscatine Slough.

An Act to incorporate the Iowa Botanic Medical Society.

Joint Resolution, asking Congress for the establishment of a Post Route from Nauvoo to Montrose.

Memorial to Congress, relative to granting the right of pre-emption to unsurveyed lands; and

Memorial to Congress, asking for an appropriation to pay the debts of previous Legislatures.

All of which have been signed by the President of the Council.

I am directed to inform the House, that the Council have disagreed to the report of the Committee of Conference, relative to the disagreeing vote of the two Houses upon

No. 58, H. R. File, "A Joint Resolution, providing for the publication of the laws."

The Council have disagreed to the 1st and 2d amendments, and the amendment to the 14th section of

No. 5, C. File, "A Bill to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution for the State of Iowa, and have agreed to the amendments to the 5th and 7th sections of said bill.

And the he withdrew.

On motion of Mr. Fay,

Ordered, That the House do now adjourn until Monday morning at 10 o'clock.

Monday Morning, February 5, 1844.

Mr. Wilson presented the petition of 68 citizens of Henry county, praying for the location of a Territorial Road, from Mount Pleasant in Henry county, via. Wilson's Mill and Watson's Mill, to Glasgow in Jefferson county.

Which was referred to the delegations from Henry and Jefferson counties.

The Speaker presented the petition of 89 citizens of Johnson county, praying the Legislative Assembly, to grant to the Iowa City Manufacturing Company a charter without attaching a repealing clause thereto; which was laid on the table.

On motion of Mr. Walworth,

Resolved, That Edmund Booth, be employed to assist the Clerks of this House, in enrolling and engrossing bills until the close of the session.

On motion of Mr. Wilson,

Resolved, That the Clerks, Sergeant-At-Arms, Messenger, and Fireman, each be allowed the sum of three dollars per day, for their services during the present session.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed.

No. 48, C. F. "A Bill to amend certain acts relating to Roads and Highways.

No. 50, C. F. "A Bill to revive an act entitled an act, to review and establish a part of a Territorial Road, leading from Fort Madison, in Lee county, to Iowaville in Van Buren county."

No. 51, C. F. "A Bill to amend an act entitled an act, concerning costs and fees." Also, with amendments,

No. 102, H. R. File, "A Bill to establish the time of holding the District Courts in the several Judicial Districts in this Territory."

In which the concurrence of the House is requested.

The Council have pessed without amendment,

No. 61, H. R. File, "A Bill for the improvement of Sheep."

No. 78, H. R. File, "A Bill to organize the county of Delaware, and to provide for holding Court in the same."

No. 86, H. R. File, "A Bill to amend an act entitled an act, to amend an

act entitled an act, for the incorporation of the town of Mt. Pleasant, in Henry county."

No. 87, H. R. File, "An act for the relief of Rev. Isaac Searles, minister of the gospel."

No. 113, H. R. File, "A Bill for the relief of Wm. Parvin."

The Council have concurred in the amendment of the House, to the amendment of the Council, to,

No. 31, H. R. File, "A Bill defining the Jurisdiction of the Supreme Court, and regulating the practice therein."

And then he withdrew.

Mr. McCleary on leave, introduced

No. 132, H. R. File, "A Bill to perfect the collection of taxes in Louisa county."

Which was read a first time.

On motion of Mr. McCleary,

The 42d rule was suspended, and the bill read a second time, and ordered to be engrossed and read a third time to-morrow.

Mr. Brierly from the Select Committee, to which the subject was referred, reported without amendment.

No. 115, H. R. file, "A Bill to organize the county of Jasper," accompanied by the following report.

Which was read.

The Committee, to whom was referred the petitions of the citizens of the county of Lee, asking for a division of said county, together with the remonstrance against the same, beg leave to report,

That they have had the same under consideration, and after carefully comparing and examining the same, find that there are twelve hundred and fifty for a division, and one thousand and eighty-one remonstrating against it—which leaves a majority, taking them all as they appear on their face, of a hundred and sixty-nine for a division of said county.

There are many names, no doubt, on both the petitions and remonstrances, which are spurious, and are unknown to your Committee; but your Committee feel justified in stating, that they are well acquainted with a large majority of all the person's names that appear on the petitions for a division; whilst a large majority on the remonstrance are unknown to your Committee. Your Committee, however, have taken the pains for the purpose of placing this matter fully and fairly before the Legislature, in order to ascertain what number of names appear on both petitions; they have not been able to find but one hundred, sixty of which have since signed the petitions for division, and request their names to be taken off the remonstrance.

Youp Committee will state, in relation to the persons which have signed both the petition and remonstrance, that the remonstrance appears to have circulated about the first of January, and that they were influenced to sign the remonstrance through misrepresentation; but so soon as the matter was understood, they signed the petition for a division since they signed the remonstrance against it. The petition which

more person's names appear on, is dated the twenty-fourth day of January. So it appears evident that those remonstrances were brought to the Legislature before the petition was circulated. Your Committee have received instructions from these persons, in relation to their wishes on this subject. We are informed, directly by them, that they are in favor of a division, and they wish their names taken from the remonstrance and placed on the petitions for division. Therefore, your Committee feel themselves, in duty, bound to take the last act of those persons; in doing this, it swells the majority for a division to two hundred and nine. There can be no doubt but what there are some on both which are spurious. But any attempts to strike off one and not the other, would be unjust. It appears evident that the petitions and remonstrances are about equal in point of illegal signers; consequently, the attempt to strike off those names which might be thought spurious, would not change the majority in the slightest degree; there are some aliens on both of them, which your Committee have seen fit to leave on, inasmuch as many of them are among the most worthy portion of the citizens of that county; and many have filed their intentions to become naturalized. In fact, your Committee have been unable, as yet to find any law which would debar them of the right of petition. Upon examination of the Assessment Roll which was brought, your Committee are constrained to say, though with reluctance, that the Assessor of that county must have been negligent and careless as to the duties involved upon him, from this fact, the chairman of your Committee lives in the same neighborhood that the Assessor does, and he has been able to find that there are a great many persons in that immediate neighborhood whose names do not appear on that roll, who are lawful voters; it also appears that there have been many names inserted in the Roll since the assessment took place. All the names that appear to have been inserted as above, are signed with blue ink, and in a different hand wright. One remarkable feature in this Roll is, that all these townships which have remonstrated against division, are filled in as above stated, and all that went in favor of division are not filled in at all. They have also found, upon a careful examination, that, taking the roll as it stands, and make it a criterion to be governed by, there is still a majority of one hundred in favor of a division, and a clear majority, including those filled in with blue ink. It is well known that there is a great effort making to defeat the division of that county, and that these persons are endeavoring to throw every obstacle in the way for the purpose of thwarting the designs of the petitioners.

Your Committee regret that this question has been brought before the Legislature this present session, and did fain hope that all petitions would be withheld; but under the circumstances which are now before your Committe, they feel, in duty, bound to use all honorable means to divide the county; and from the facts that are now before us, it is evident that that county will never be in peace until it does take place; and if it should fail at this session, it is evident the matter will be agitated again, and will and must take place in the end.

Mr. Walworth, from the Committee on Engrossed Bills, reported, that they had examined Nos. 117, 121, 122, 123, 124, and 125, and found the same correctly engrossed.

M. Foley on leave, introduced

No. 133, H. R. File, "A Bill to incorporate the Washington Lyceum of Jackson county."

Was read a first time.

No. 5. C. F. "A Bill to provide for the expression of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution,"

Being returned from the Council, with the following amendment, made by the House disagreed to, to wit:

All free white male inhabitants, and Foreigners over the age of twenty one years, who have declared their intentions of naturalization, and shall have resided six months in the Territory, shall be properly qualified as electors at the election for or against a State Government, at the election for delegates to a Convention to form a constitution for a State Government, and also for accepting or rejecting said Constitution when submitted to the people.

A motion was made by Mr. Foley, that the House do recede from said amendment.

Which was decided in the affirmative.

Yeas 15—Nays 9.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Borland, Brophy, Culbertson, Foley, Johnson, McCleary, Nowlin, Robb, Roberts, Smyth, Wray, Wright and Carleton (Speaker.)

Those who voted in the negative are,

Messrs. Bonney, Fay, Grimes, Hackleman, Hebard, Mitchell, Rogers, Steele, and Wilson.

No. 58 H. R. File, "A Joint Resolution, providing for the publication of the laws."

Being returned from the Council, with the report of the Committee of Conferrence, in relation thereto disgreed to.

A motion was made by Mr. Hackleman, that the House do adhere to its disagreement, to the amendment of the Council.

Which was decided in the affirmative.

On motion of Mr. McCleary,

Ordered, That a second Committee of Conference be appointed.

Whereupon Messrs. McCleary and Grimes were appointed said Committee.

The following bills, to wit:

No. 47, C. F. Joint Resolutions, relative to the University Lands of Iowa Territory."

No. 48, C. F. "A Bill to amend certain acts relating to Roads and Highways."

No. 50, C. F. "A Bill to revive an act entitled an act, to review and

establish a part of a Territorial Road leading from Fort Madison in Lee county, to Iowaville in Van Buren county."

No. 51, C. F. "A Bill to amend an act entitled an act, concerning costs and fees.

Were severally read a first time.

No. 102, H. R. File, "A Bill to establish the time of holding the District Courts, in the several Judicial Districts in this Territory."

As amended by the Council was cencurred in.

No. 75, H. R. File, "A Bill to define lawful fences, and restrain trespassing animals."

Being the order of the day, was referred to a Committee of the Whole House, for the consideration of the same.

And after some time spent therein,

Mr. Speaker resumed the chair, and Mr. Fay reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same to the House with amendments.

And the question being on concurring in the amendment of the Committee, in striking out the words "fifty cents," and inserting the words "seventy five cents," in lieu thereof, as the compensation of the fence viewers per day.

A motion was made by Mr. Baker, to amend the amendment, by adding "and thirty seven and one half cents per half day,"

Which was not agreed to.

The question was then taken on striking out "fifty cents," and inserting "seventy five cents."

And was decided in the negative.

Yeas 12, Nays 12.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Brierly, Borland, Fay, Foley, Mitchell Robb, Steele, Walworth, Wilson, Wray, and Wright.

Those who voted in the negative, are

Messrs. Bonney, Brophy, Culbertson, Hackleman, Hebard, Johnson, McCleary, Nowlin, Roberts, Rogers, Smyth, and Carleton, (Speaker.)

A motion was made by Mr. Rogers, to strike out the following words.

"And if the said animal or animals, continue to trespass afterwards, they shall be forfeited to the person upon whose field or enclosures, the trespass shall continue to be made."

Which was decided in the affirmative.

Yeas 18—Nays 7.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Fay, Foley, Grimes, Johnson, Mitchell, McCleary, Nowlin, Roberts, Rogers, Smyth, Steele, Walworth and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Brierly, Hackleman, Hebard, Robb, Wilson, Wray, and Wright.

A motion was made by Mr. Grimes to add the following to the 8th section:

And if the said animal, shall continue to trespass, the owner thereof, shall be liable for every subsequent trespass, to an action therefor, and judgment shall be rendered against him, for three times the amount of damages sustained; and such trespassing animal shall be subject to levy and sale upon execution, issued upon such judgment, any law of this Territory to the contrary notwithstanding.

And was decided in the affirmative.

Yeas 16—Nays 9.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Bonney, Borland, Culbertson, Fay, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Robb, Walworth, Wilson, Wray, and Wright.

Those who voted in the negative are,

Messrs. Baker, Brierly, Brophy, Nowlin, Roberts, Rogers, Smyth, Steele, and Carleton, (Speaker.)

The bill was then ordered to be engrossed and read a third time to-morrow.

No. 94, H. R. File, "A Bill to amend an act entitled An act, regulating Mills and Millers, approved Feb, 3, 1843."

Being the order of the day, was referred to a Committee of the Whole House, for the consideration of the same.

And after sometime spent therein,

Mr. Speaker resumed the chair, and Mr. Rogers reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

The House concurred in the report of the Committee.

The Bill was then ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Fay,

Ordered, That the House adjourn until 2 o'clock, P. M.

2 O'CLOCK P. M.

No. 7, C. F. "A Bill to incorporate the Iowa City Manufacturing Company."

Was read a second time.

A motion was made by Mr. Rogers, to strike out "two hundred thousand dollars," and insert "one hundred thousand dollars," as the amount of capital of said company.

Which was decided in the negative.

A motion was made by Mr. Rogers, to strike out "five years," and insert "three years," as the time in which a lock shall be erected in the dam of said company.

Which was decided in the negative.

Yeas 6, Nays 18.

The yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Brophy, Fay, Foley, Rogers, Smyth and Wright.

Those who voted in the negative, are

Messrs. Bonney, Brierly, Borland, Culbertson, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Steele, Walworth, Wilson, Wray, and Carleton, (Speaker.)

A motion was made by Mr. Rogers, to strike out the words "forty years," being the time proposed for the charter to continue in force.

Which was decided in the negative.

Yeas 8—Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Bonney, Brophy, Fay, Foley, Johnson, Rogers, Smyth, and Wright.

Those who voted in the negative, are

Messrs. Brierly, Borland, Culbertson, Grimes, Hackleman, Hebard, Mitchell, McCleary, Nowlin, Robb, Roberts, Steele, Walworth, Wilson, Wray, and Carleton, (Speaker.)

On motion of Mr. Rogers,

A call of the House was had, when all the members answered to their names except, Messrs. Baker and Thompson, who were excused, and the call suspended.

A motion was made by Mr. Rogers, to add the following section, to wit:

That any future Legislature, may amend or repeal this act.

And was decided in the negative.

Yeas 9, Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Bonney, Brophy, Culbertson, Fay, Foley, Rogers, Smyth, Wray, and Wright.

Those who voted in the negative, are

Messrs. Brierly, Borland, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Steele, Walworth, Wilson, and Carleton, (Speaker.)

A motion was made by Mr. Smyth, to add the following section to the bill, to wit:

Sec. Any future Legislature may repeal this charter, provided said corporation, shall at any time, abuse, misuse, or violate the provisions of this act,

And was decided in the negative.

Yeas 11, Nays 13.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Bonney, Borland, Brophy, Culbertson, Fay, Foley, McClea-

ry, Rogers, Smyth, Wray, and Wright.

Those who voted in the negative are,

Messrs. Brierly, Grimes, Hackleman, Hebard, Johnson, Mitchell, Nowlin, Robb, Roberts, Steele, Walworth, Wilson, and Carleton, (Speaker.)

The question was then taken on ordering the bill to be read a third time to-morrow.

And was decided in the affirmative.

Yeas 16—Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Brierly, Borland, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Steele, Walworth, Wilson, Wray, and Carleton, (Speaker.)

Those who voted in the negative are

Messrs. Bonney, Brophy, Culbertson, Fay, Foley, Rogers, Smyth, and Wright.

Mr. Robb, from the Committee on Enrolled Bills reported that they did on the 3rd. inst., present to the Governor for his approval,

A Memorial to Congress, asking for an appropriation to pay the debts of previous Legislatures.

An act to incorporate the Dubuque, Clayton, Delaware, and Jackson Mutual Fire Insurance Company.

An act to incorporate the subscribers for erecting a Dam across the Muscatine Slough.

An Act to incorporate the Iowa Botanic Medical Society.

A Memorial to Congress, relative to granting the right of pre-emption to unsurveyed lands.

A Joint Resolution, asking Congress for the establishment of a Post Route from Nauvoo to Montrose.

An act to locate a Territorial Road from Davenport to Iowa City.

An act to organize the counties of Keokuk and Mahaska.

An act to extend the Territorial Road from Mt. Pleasant to the Indian boundary line, via Autumwa, Eddysville, to Lake Prairie, in Mahaska county.

An act to establish a Territorial Road from Iowaville, on the Des Moines river, to the Missouri line.

An act to amend an act entitled 'An act for the election of Constables and defining their duties.

An act to allow Avery Thomas to change his name to Lewis Ashton Thomas.

All of which had been approved by the Governor.

And then,

On motion of Mr. Wilson,

The House adjourned until to-morrow morning at 10 o'clock.

Tuesday Morning, February 6, 1844.

Mr. Hackleman presented the account of Bridgeman, Brothers, for for articles furnished the Territory.

Ordered, That said petition be referred to the Committee on Expenditures.

Mr. Baker presented the petition of 219 citizens of Keokuk county, praying the passage of a law authorizing the inhabitants of said county to vote for a particular place or point, in said county, at which they wish the Seat of Justice to be located.

Ordered, That said petition be laid on the table.

A motion was made by Mr. Smyth, that the vote adopting the resolution relative to the pay of the officers of the House be re-considered; when,

On motion of Mr. Baker,

Ordered, That the motion to re-consider do lie upon the table.

Mr. Wilson, from the Committee on Roads and Highways, reported No. 134, H. R. File, "A Bill to locate and establish a Territorial Road from Wilson's Mills, in Henry county, to Glasgow, in Jefferson county;"

Which was read a first time.

A motion was made by Mr. Wilson, that the 42d rule be suspended, and the bill be read a second and third time now.

Which motion was lost—two-thirds of the members present not voting therefor.

Mr. Grimes, from the Committee on the Judiciary, reported No. 135, H. R. File, "A Bill to authorize Sheriffs and Collectors of taxes to make deeds in certain cases," which was read a first time.

Mr. Robb from the Committee on Enrolled Bills reported an Act defining the Jurisdiction of the Supreme Court, and regulating the practice therein.

An Act for the Improvement of Sheep.

An Act to organize the County of Delaware and to provide for holding Court.

An Act to amend an act entitled an Act to amend an Act entitled an Act for the incorporation of the town of Mount Pleasant, in Henry county, Iowa Terrritory, approved Jan. 25th, 1842."

An act for the relief of Rev. Isaac Searles, a minister of the Gospel.

An act for the relief of William Parvin,

As correctly enrolled.

The Speaker then signed said acts.

Mr. Walworth, from the Committee on Engrossed Bills, reported Nos. 75, 91, 94, and 132, H. R. File, as correctly engrossed.

Mr. Hackleman, from the minority of the Select Committee, to whom was referred the petition and remonstrance of the citizens of Lee county, relative to the division of said county, made a report, which was read as follows:

The minority of the Committee, to whom was referred the petitions and remonstrances of the citizens of Lee county, in relation to the division of said county, beg leave to report:

That they, in connection with the majority of the Committee, have had the same under consideration, and after a careful and laborious examination of the same, with all the lights that could be had on the subject, have come to conclusions altogether different from those of the majority report.

We agree with the majority that the whole number of names appearing on the petitions for division of said county, is twelve hundred and fifty; but none of these were sworn to as legal voters. It also appeared by the affidavit of Gen. Brown, attached to one of the remonstrances, that fifty-six of those who had signed this petition for division, afterwards signed the *remonstrance against division*, and authorized their names to be taken from said petition; from the affidavit of Joseph Morrison attached to another of these remonstrances, it appeared that *twenty-two other* persons who had signed the *petition* for *division*, signed the remonstrance against a division, and authorized *their* names to be taken from the petition for division; from the affidavit of Thomas Fitzpatrick, it appeared that four other persons, who had signed the petition for division, signed the remonstrance against division, and authorized *their* names to be taken from the petition for division. It was agreed to by the parties who appeared before the Committee both for and against division, that there were the names of fifty-eight other persons on the petitions for division, whose names had been *signed twice*, or who *were unnaturalized aliens*, or *illegal* voters from other causes; there were also twenty-eight other names on said petitions for division, which were objected to as not being legal voters; suppose that one-half of these twenty-eight were not legal voters, and the number which should be taken from the petitions for division, would be one hundred and fifty-four—leaving on the petitions for division one thousand and ninety names.

The minority of the Committee do not agree with the majority as to the number of names found on the remonstrances as stated in the majority report; we found the number of names on the remonstrances, as admitted by the opposite party, to be eleven hundred and twelve, while the majority report puts down the number at only one thousand and eighty-one. All those on the remonstrances, except a very small number, about which there appears to be no dispute, were sworn to as legal voters of Lee county, and as having signed said remonstrances after having the contents made known to them. Twenty only of the signers, whose names appear on these remonstrances, were objected to, and only *one* of these was shown to be illegal; although an opportunity was given to those who objected, and they were called upon to show

the fact; but suppose eleven of these twenty were not legal voters, and it leaves on the *remonstrances against* a *division*, eleven hundred and one names, being a majority of *five* opposed to a division. The majority state in their report, that some seventy persons who signed the remonstrance against division, and who had been induced so to do by misrepresentations, afterwards signed the petitions for division, and requested their names to be taken from the remonstrances, the report further states, that your Committee have received instructions from those persons in relation to their wishes on this subject, and have been directly informed by them that they are in favor of a division of the county of Lee, and wish their names taken from the remonstrances. The undersigned, composing part of your Committee, were present at the investigations and deliberations of this Committee, but neither *saw* nor *heard* any evidence *whatever* to establish the fact, that any *persons whatever* had been induced to sign the remonstrances against division by misrepresentations, or that any persons who had signed said remonstrances had afterwards signed the petitions for division; or that any persons whatever, who had signed said remonstrances, had *authorized* or *requested* their names to be taken therefrom. We have therefore come to the conclusion, that there is a clear majority of the petitioners from Lee county, opposed to a division of said county; and we are strengthened in this conclusion from the fact that the Assessment Roll of said county, properly certified by the Collector, shows less than two thousand taxable polls in the county; besides, it is said there are some hundred or more legal voters who have signed a petition for re-location of the county seat by a vote of the people, whose names do not appear on either the petition for division, or the remonstrance against it. Into this matter we did not think it necessary to examine, as there is a majority opposed to a division without it.

The Assessment Roll, the majority seem to think, looks suspicious, but we could perceive *no grounds* for such suspicions.

But if there were actually a small majority of the people of Lee county in favor of a division, we do not think the Legislature should divide it, as the county is now none too large, and the precedent would be a dangerous one. If that county should be divided, because it may be thought by some there is a mere majority for division, each of the counties formed by this division, may ask next session, by mere majorities, and so, *ad infinitem*, until we have every township in the Territory organized into a county; and all this from the fact of considering the division of a county as a local matter under control of the delegation of any particular county, who may feel themselves instructed by *doubtful* majorities, to go for division in order to gratify contending parties, who wish additional county seats.

The Committee would also recommend the adoption of the following resolution:

Resolved, That the bill to divide the county of Lee be indefinitely postponed.

On motion of Mr. Robb,

Ordered, That said report and resolution do lie upon the table.

Mr. Foley, from the Select Committee appointed for that purpose, reported

No. 136, H. R. File, "A Bill to authorize the President and Trustees of Bellview, in Jackson county, to license Merchants and Groceries."

Said bill was read a first time.

Mr. Mitchell, from the Committee to whom was referred

No. 18, H. R. File, "A Bill amendatory of an act to incorporate the Scott County Hydraulic Company," reported the same back to the House with amendments.

Which was read a first time.

A motion was made by Mr. Brophy, that fifty copies of said bill be printed. Which passed in the affirmative.

Yeas 13—Nays 11.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Hackleman, Johnson, Robb, Rogers, Thompson, Wright and Carleton (Speaker.)

Those who voted in the negative are,

Messrs. Fay, Foley, Grimes, Hebard, Mitchell, McCleary, Nowlin, Smyth, Steele, Walworth, and Wilson.

Mr. Baker, on leave being granted, introduced

No. 137, H. R. File, "A Bill to amend the Militia Law, so as to form a fourth Division." Also,

No. 138, H. R. File, "Joint Resolution, providing for furnishing Seals for the counties of Davis, Wapello, Keokuk, and Makaska."

Mr Culbertson, by leave of the House, introduced

No. 139, H. R. File, "A Bill to form a fourth Judicial District."

Said Bills and Joint Resolution were severally read a first time.

No. 52, H. R. File, "A Bill to abolish capital punishment." being the order of the day,

The House resolved itself into a Committee of the Whole House on said Bill. After a short time spent therein,

Mr. Speaker resumed the chair, and Mr. Nowlin reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same to the House without amendment.

Whereupon, a motion was made by Mr. Robb, that the further consideration of the bill be indefinitely postponed. And after debate,

On motion of Mr. Nowlin,

The House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

On motion of Mr. Hackleman,

The rules were for the time being suspended, when he gave notice, that he would on Monday next, again bring in a Joint Resolution, relative to the printing the laws of the present session.

On motion of Mr. Grimes,

The rules were for the time suspended, when he, on leave, introduced

No. 140, H. R. File, "A Bill amendatory of an act to authorize evidence by the oath of parties, approved 20, Jan. 1843."

A Message from the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER:

The Council have passed

No. 46, C. F. "Joint Resolution for the relief of F. M. Irish."

No. 49, C. File, "A Bill to vacate a part of the town of Parkhurst."

No. 53, C. File, "A Bill for an act, donating to the Baptist Church of Iowa City, a certain lot of ground therein named."

No. 57, C. File, "Joint Resolution, relative to the republication of a certain act."

No. 58, C. File, "An act to change a part of a Territorial Road, running from Burlington to the mouth of the Des Moines river."

Also, with an amendment,

No. 95, H. R. File, "A Bill to amend an act entitled an act, to establish a ferry across the Mississippi river in this Territroy, approved Jan. 18, 1838."

Also, without amendment,

No. 3, H. R. File, "A Bill to authorize Hugh Boyle and Ralph Bissell, to erect a dam across Skunk river, in Henry county."

No. 57, H. R. File, "A Bill to authorize the administrators of John Jones deceased, to make a title to certain real estate in Grandview, in Louisa county."

No. 97, H. R. File, "Memorial to Congress, for a Township of Land for the Jackson county Academy."

No. 101, H. R. File, "A Bill to amend an act entitled an act, for the incorporation of the town of Farmington, &c., approved, January, 1841."

No. 103, H. R. File "A Bill to authorize the payment of the expenses of laying out a certain Territorial Road."

No. 107, H. R. File, "An act to legalize the location of a Territorial Road from Davenport to Bellview."

No. 110, H. R. File, "A Memorial to Congress, for the establishment of a mail route, from Galena, Ill. via Bellview to Iowa City."

No. 116, H. R. File, "A Bill to lay out and establish a Territorial

Road, from the Cedar Rapidsi n Linn county, to the rapids on Wappesipinicon, in Buchanan county."

No. 119, H. R. File, "A Bill amendatory of an act entitled an act, for the relief of the Poor, approved Feb. 16th. 1842."

I herewith present for your signature,

An act to locate a Territorial Road, from the old Indian boundary line, in Des Moines Township, in Jefferson county, via Agency City, to the seat of Justice of Mahaska county."

An act to incorporate the Toolesborough Manufacturing Company."

An act to locate a Territorial Road, from Iowaville in Van Buren county, to Autumwa in Wapello county."

I herewith return,

An act to incorporate the Grandview Literary and Philosophical Society of Louisa county."

An act to locate and establish a Territorial Road, from Brighton in Washington county, to the county seat of Mahaska county."

An act to incorporate the Jefferson Academy."

An act to legalize the acts of James T. Harden, Deputy Recorder of Jefferson county."

An act relative to religious societies."

Joint Resolutions for the establishment of certain Post Routes."

All of which have been signed by the President of the Council.

And then he withdrew.

The Speaker then signed the acts presented for his signature.

The House resumed the consideration of the motion to indefinitely postpone.

No. 52, H. R. File, "A Bill to abolish capital punishment."

And after debate, a motion was made by Mr. Thompson, to strike out all after the enacting clause, and to insert the following, to wit:

That if any person shall purposely, and of deliberate and premeditated malice, or, in the perpetration or attempt to perpetrate, any rape, arson, robbery, or burglary, or, by administerting poison, or causing the same to be done, kill another; every such person shall be deemed guilty of murder in the first degree, and upon conviction thereof, shall be imprisoned in the Penitentiary, and kept at hard labor, for and during life.

Sec. 2. That if any person shall purposely and maliciously, but without deliberation and premeditation, kill another; every such person shall be deemed guilty of murder in the second degree, and on conviction thereof, shall be imprisoned in the Penitentiary, and kept at hard labor, for a term of not less than twenty-one years.

Sec. 3. That if any person shall unlawfully kill another without malice, either upon a sudden quarrel, or unintentionally, while the slayer is in the commission of some unlawful act, every such person shall be deemed guilty of Manslaughter, and upon conviction thereof, shall be imprisoned in the Penitentiary and kept at hard labor, not more than twenty-one years nor less than one year.

Pending which,

A motion was made by Mr. Brophy, to amend by adding the following words, to wit:

That all the property belonging to the murderer, which is liable to execution, shall be forfeited to the heirs of the person murdered.

Which was decided in the negative.

Yeas 7—Nays 18.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Brophy, Culbertson, Grimes, and Thompson.

Those who voted in the negative are,

Messrs. Borland, Fay, Foley, Hackleman, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Steele, Walworth Wilson, Wray, Wright, and Carleton, (Speaker.)

The question then recurring on the motion of Mr. Thompson, to strike out all after the enacting clause, and to insert the foregoing amendment proposed by him.

Mr. Foley called for a division of the question, first on striking out.

And was decided in the affirmative.

Yeas 23—Nays 1.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Grimes, Hackleman, Johnson, Mitchell, McCleary, Nowlin, Roberts, Rogers, Steele, Thompson, Walworth, Wilson, Wray, Wright, and Carleton, (Speaker.)

Mr. Smyth voted in the negative.

A motion was made by Mr. Fay, that the House do now adjourn.

Which was decided in the negative.

Yeas 7, Nays 18.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brophy, Mitchell, Smyth, Wray, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Brierly, Borland, Culbertson, Fay, Foley, Grimes Hackleman, Johnson, McCleary, Nowlin, Robb, Roberts, Rogers, Steele, Thompson, Walworth, Wilson, and Wright.

On motion of Mr. Walworth,

A call of the House was had, when all the members answered to their names, except Mr Hebard.

The Sergeant-at-arms, was directed to compel his attendance.

After a short time Mr. Hebard appearing, all proceedings in the call were suspended.

The quesiion was then taken, on inserting Mr. Thompson's amendment,

And was decided in the negative.

Yeas 10, Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Bonney, Brophy, Grimes, Johnson, Mitchell, McCleary, Smyth, Thompson, and Wilson.

Those who voted in the negative, are

Messrs. Brierly, Borland, Culbertson, Fay, Foley, Hackleman, Hebard, Nowlin, Robb, Roberts, Rogers, Steele, Walworth, Wray, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Nowlin, to strike out the enacting clause.

Pending which,

A motion was made by Mr. Wilson, to lay the enacting clause on the table.

Which was decided in the negative.

Mr. Wilson then made a motion, that the House do now adjourn.

Which was decided in the negative.

Yeas 10, Nays 15.

The yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brierly, Brophy, Hebard Mitchell, Smyth, Thompson, Wilson, and Carleton (Speaker.)

Those who voted in the negative, are

Messrs. Borland, Culbertson, Fay, Foley, Grimes, Hackleman, Johnson, McCleary, Nowlin, Robb, Roberts, Rogers, Steele, Wray, and Wright.

Mr. Wilson asked and obtained leave of absence, until to-morrow morning.

A motion was made by Mr. Grimes, to reconsider the vote by which the House refused to lay the enacting clause on the table, when,

A motion was made by Mr. Mitchell, to lay upon the table, the motion to reconsider.

Which was decided in the negative.

Yeas 12—Nays 13.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Brophy, Grimes, Hebard, Johnson, Mitchell, McCleary, Rogers, Smyth, and Thompson.

Those who voted in the negative, are

Messrs. Borland, Culbertson, Fay, Foley, Hackleman, Nowlin, Robb, Roberts, Steele, Walworth, Wray, Wright, and Carleton, (Speaker.)

Mr. Fay called for the previous question, and the call being seconded by a majority of the members.

The question was then put, Shall the main question be now put?

And was decided in the affirmative.

Yeas 15—Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Borland, Culbertson, Fay, Foley, Hackleman, Hebard, Nowlin, Robb, Roberts, Rogers, Steele, Walworth, Wray, Wright, and

Carleton, (Speaker.)

Those who voted in the negative are

Messrs. Baker, Bonney, Brophy, Johnson, Mitchell, McCleary, Smyth, and Thompson.

The previous question was then put, Shall the enacting clause of said bill be stricken out?

And was decided in the affirmative.

Yeas 15, Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Borland, Culbertson, Fay, Foley, Hackleman, Hebard, Nowlin, Robb, Roberts, Rogers, Steele, Walworth, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Bonney, Brophy, Johnson, Mitchell, McCleary, Smyth, and Thompson.

And then the House adjourned until to-morrow at 10 o'clock, A. M.

Wednesday Morning, February 7, 1844.

Mr. Rogers presented the petition of 39 citizens of Delaware and Dubuque counties, remonstrating against the division of the county of Delaware.

Which was referred to the Committee on Township and County Boundaries.

The Speaker gave notice, that he would, on to-morrow, ask leave to introduce a bill to incorporate Iowa City.

Mr. Foley, on leave, introduced

No. 141, H. R. File, "A Bill to legalize the acts of John Peterson, an acting Justice of the Peace."

A motion was made by Mr. Thompson to suspend the 41st rule, for the time being, in order that he might introduce a bill, to wit:

No. 142, H. R. file, "A Bill to amend an act, entitled An act defining crimes and punishments, approved 16th Feb. 1843."

Which was agreed to, and the bill was read a first time.

Mr. Wilson moved to suspend the 42d rule, in order that the bill may be read a second time now.

Which was not agreed to—two-thirds not voting therefor.

Mr. Robb, from the Committee on Enrolled Bills, reported, that the Committee had examined

An act to authorize Hugh Boyle and Ralph Bissell, to erect a Dam across Skunk river, in Henry county.

An act to legalize the location of a Territorial Road, from Davenport to Bellview.

An act to authorize the payment of expenses of laying out a certain Territorial Road.

A Memorial to Congress for the establishment of a Mail Route from Galena, Ill., via Belview to Iowa City.

An act to lay out and establish a Territorial Road from the Cedar Rapids, in Linn county, to the Rapids on the Wappesipinicon, in Buchanan county.

An act to amend an act, entitled An act for the incorporation of the town of Farmington, approved Jan. 11, 1841.

An act amendatory of an act, entitled An act for the relief of the Poor.

A memorial to Congress, for a township of land for the Jackson county Academy.

An act to authorize the administrators of John Jones, deceased, to make a title to certain real estate, in Grandview, Louisa county.

And found the same correctly enrolled.

The Speaker then signed said acts.

Mr. Fay gave notice, that he would, on to-morrow, ask leave to introduce

A Bill relative to Pedlars.

Mr. Nowlin, on leave, introduced,

No. 143, H. R.File, "A Bill to lay out a Territorial Road from J. H. Jenkins', in Linn county, in a direction to the city of Dubuque."

Which was read a first time.

No. 95, H. R. File, "A Bill to amend an act, entitled An act to establish a Ferry across the Mississippi river," as amended by the Council, was concurred in.

The following Bills, to wit:

No. 46, C. F. "A Joint Resolution, for the relief of F. M. Irish;"

No. 49, C. F. "A Bill to vacate a part of the town of Parkhurst."

No. 53, C. F. "A Bill for an act, donating to the Baptist Church of Iowa City a certain lot of ground therein named.

No. 57, C. F. "A Joint Resolution, relative to the republication of a certain act.

No. 58, C. F. "An act to change a part of a Territorial Road, running from Burlington to the mouth of the Des Moines river."

Were severally read a first time.

No. 100, H. R. File, "A Bill for opening section lines,"

Being the order of the day, was referred to a Committee of the Whole House for the consideration of the same. And after sometime spent therein,

Mr. Speaker resumed the chair, and Mr. McCleary reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same to the House with amendments.

The House concurred in the report of the Committee.

A motion was made by Mr. Nowlin, to indefinitely postpone the bill.

Pending which,

A motion was made by Mr. Wilson, to refer the bill to the delegation from Des Moines county, with instructions to so amend the bill as to confine the provisions of the bill to Des Moines county.

And was decided in the affirmative.

Yeas 14—Nays 11.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Borland, Brophy, Culbertson, Fay, Foley, McCleary, Nowlin, Roberts, Rogers, Smyth, Wilson, and Wray.

Those who voted in the negative are,

Messrs. Grimes, Hackleman, Hebard, Johnson, Mitchell, Robb, Steele, Thompson, Walworth, Wright and Carleton, (Speaker.)

No. 111, H. R. File, "A Bill to provide for the payment of costs in certain cases;"

Was read a second time, and,

On motion of Mr. Grimes,

Laid on the table.

No. 11, H. R. File, "A Bill to provide for assessing and collecting Public Revenue;"

Was read a second time, and,

On motion of Mr. Wilson,

Referred to a Committee of the Whole House, and made the order of the day for to-morrow.

A Message from the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER:

The Council have passed

No. 88, H. R. File, "An act to legalize the acts of Justices of the Peace, in certain cases;"

No. 109, H. R. File, "A Bill to lay out a Territorial Road, from Bennett's Mill, in Buchanan county, to or near Wm. Myers', in Dubuque county."

I herewith present, for your signature,

An act to locate a Territorial Road, from a certain point in Muscatine, co., therein named, to the Rapids on Cedar river, in Linn county;

An act to encourage the destruction of Wolves;

An act to establish and locate a Road, from John Scott's farm, on Nassau Island, in Lee county, to intersect the road leading from Keokuk to Farmington, at or near the residence of Phineas Hunt.

And then he withdrew.

The Speaker signed said acts.

No. 77, H. R. File, "A Bill to amend an act, entitled An act subjecting real and personal estate to execution, as amended by the Committee on the Judiciary, was considered and concurred in.

A motion was made by Mr. Wilson, to strike out all after the enacting clause, and to insert the following:

That hereafter the plaintiff in execution, shall have the right to se-

lect any property that is subject to execution, except the lands and tenements on which the defendant resides, unless there is not a sufficiency of other property to be found to satisfy the debt, and if said property should not sell for its full appraised value, the plaintiff may take the property at the appraised value, or hold his lein on said property, until it will sell, or the plaintiff take the same; but in all cases where the plaintiff shall not choose or select property, the parties in the case shall be governed by the law to which this is amendatory.

Which was decided in the negative.

Yeas 4, Nays 20.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. McCleary, Roberts, Steele, and Wilson.

Those who voted in the negative, are

Messrs. Baker, Brierly, Bonney, Borland, Brophy, Culbertson, Fay, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell Nowlin, Robb, Rogers, Smyth, Thompson, Walworth, Wray, and Carleton, (Speaker.)

A motion was made by Mr. Rogers, to add the following section to the bill, to wit:

That the act to which this is amendatory, so far as the same may, in any manner, affect judgments obtained, deeds of trust, and mortgages executed previous to the 20th day of February, A. D. 1843, is hereby repealed; said judgments, deeds of trust and mortgages, shall be governed in all respects by the laws of this Territory, in existence at the time such judgments were rendered, and such deeds of trust and mortgages were executed.

Which was decided in the negative. Yeas 8, Nays 17.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Borland, Foley, Nowlin, Rogers, Smyth, and Walworth.

Those who voted in the negative are,

Messrs. Brierly, Brophy, Culbertson, Fay, Grimes, Hackleman, Johnson, Mitchell, McCleary, Robb, Roberts, Steele, Thompson, Wilson, Wray, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Fay, to add the following secion, to wit:

Sec. 7. That in addition to the property now exempt by law from levy and sale upon execution, all public burying grounds, and all private burying grounds, not exceeding one acre, shall be exempt from levy and sale upon any process whatever.

Which was agreed to.

A motion was made by Mr. Grimes, to add the following section:

Sec. 8. That all deeds for real estate, sold under any execution or decree of Court, by any Sheriff or other officer authorized by law, to make the same, shall, in all controversies, which may hereafter arise in relation to the title of said realestate, be taken and considered *prima facie* evidence of the existence of a judgment and execution authorizing said officer to sell the same, and also of the regularity of the said sale, and

of every ministerial act appertaining thereto.

Which was decided in the negative.

The question then being,

Shall the bill be engrossed and read a third time to-morrow?

Was put, and decided in the affirmative.

Yeas 19, Nays 6.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Foley, Hackleman, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Steele, Thompson, Walworth, Wray, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Brophy, Grimes, Johnson, Mitchell, Wilson, and Wright.

And then the House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

No. 112, H. R. File, "A Bill to abolish imprisonment for debt,"

Being read a second time, was ordered to lie on the table.

No. 115, H. R. File, "A Bill to organize the county of Jasper."

Was read a second time.

A motion was made by Mr. Brierly, to so amend the bill, that an election shall be held in the different townshlps in Lee county, on the first Monday in April next, "for division," or "no division."

Which was decided in the affirmative.

A motion was made by Mr. Grimes, to add the following section.

Sec. The Court House at Fort Madison shall not be sold by the County Commissioners of Lee county, nor by their authority, for the space of eighteen months, from and after the date hereof.

Which was agreed to.

A motion was made by Mr. McCleary, to strike out all after the enacting clause of the original bill.

Which was decided in the negative.

Yeas 6—Nays 20.

Mr. Wilson asked to be excused from voting on the subject; the House refused to excuse him.

The Yeas and Nays being demanded by two members on Mr. McCleary's motion.

Those who voted in the affirmative are,

Messrs. Bonney, Borland, Hackleman, Hebard, Johnson, and McCleary.

Those who voted in the negative are,

Messrs. Baker, Brierly, Brophy, Culbertson, Fay, Foley, Grimes, Mitchell, Nowlin, Robb, Roberts, Rogers, Smyth, Steele, Thompson, Walworth, Wilson, Wray, Wright and Carleton (Speaker.)

The bill was then ordered to be engrossed, and read a third time to-morrow.

No. 126, H. R. File, "A Bill authorizing the raising of dams on the Des Moines river."

Was read a second time, and after being slightly amended,

On motion of Mr. Bonney,

The bill was ordered to be engrossed and read a third time to-morrow.

No. 127, H. R. File, "A Joint Resolution, relative to the mail route from Iowa City to Dubuque."

Was read a second time.

Mr. Smyth proposed to amend the resolution, when,

A motion was made by Mr. Rogers, that the Resolution and amendment be laid on the table.

Which was agreed to.

The following Bills, to wit:

No. 128, H. R. File, "A Bill to amend an act entitled an act, to regulate Conveyances."

No. 129, H. R. File, "A Bill to lay out a Territorial Road, from Delhi in Delaware county, to Cascade in Dubuque county."

No, 132, H. R. File, "A Bill to incorporate the Washington Lyceum of Jackson county.

No. 134, H. R. File, "A Bill to locate and establish a Territorial Road from Wilson's Mills, in Henry county, to Glasgow, in Jefferson county;"

No. 136, H. R. File, "A Bill to authorize the President and Trustees of Bellview, in Jackson county, to license Merchants and Groceries."

Were severally read a second time, and considered as engrossed.

On motion,

Ordered, That the 42d rule be suspended for the time being, and that said Bills be read a third time now.

Said Bills were then read a third time and passed.

Ordered, That the Clerk request the concurrence of the Council therein.

No. 130, H. R. File, "A Bill to amend an act entitled an act for the organization of Townships, approved Feb. 17. 1842."

Was read a second time, and,

On motion of Mr. McCleary,

Referred to a Committee of the Whole House, and made the order of the day for Friday next.

The following Bills, to wit:

No. 131, H. R. File "A Bill for the relief of George Andrews."

No. 135, H. R. File, "A Bill to authorize Sheriffs and Collectors of taxes to make deeds in certain cases,"

No. 137, H. R. File, "A Bill to amend the Militia Law, so as to form a fourth Division."

No. 138, H. R. File, "Joint Resolution, providing for Seals for the Courts in new counties."

No. 139, H. R. File, "A Bill to form a fourth Judicial District."

No. 140, H. R. File, "A Bill to amend an act entitled an act to authorize evidence by the oath of parties, approved 20th, Jan. 1843."

Were severally read a second time, and ordered to be engrossed and read a third time to-morrow.

And then,

On motion of Mr. Wilson,

The House adjourned until to-morrow morning at 9 o'clock.

Thursday Morning, February 8, 1844.

The Speaker, on leave, introduced

No. 144, H. R. File, "A Bill to incorporate Iowa City."

Mr. Thompson from the Committee on the Judiciary, reported

No. 145, H. R. File, "A Bill to amend an act entitled an act, concerning Grand and Petit jurors, approved Jan. 4, 1839."

Said Bills were read a first time.

Mr. Foley offered the following:

Whereas it is requisite, and the public business imperiously demands it, that a speedy action should be had on all Bills, Resolutions &c., that are, or may hereafter be introduced before this House, and for the speedy action on such bills, &c. Therefore.

Resolved, That no member, shall for the future, speak to any one question, longer than ten minutes, and not more than once, and that the Speaker shall strictly enforce the provisions of this Resolution, which lies over one day, under the rule.

Mr. Johnson presented the account of James Clarke, amounting to $17 for newspapers furnished the members.

Which was referred to the Committee on Expenditures.

A motion was made by Mr. Hackleman, to take from the table, the motion made some days since, to reconsider the vote on the adoption of the Resolution relative to the payment of the officers of the House.

Which was decided in the negative.

Mr. Hebard gave notice, that he would, on to-morrow, introduce

A Memorial to Congress, asking for change of the law, relative to the intercourse with the Indians.

Mr. Grimes moved a suspension of the rules, that Bills on the 3d. reading might be taken up, and acted upon.

Which was agreed to.

No. 7, C. File, "A Bill to incorporate the Iowa City Manufacturing Company."

Was read a third time.

And the question being put, Shall the bill pass?

It passed in the affirmative.

Yeas 16—Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brierly, Borland, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Steele, Walworth, Wilson, Wray, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Bonney, Brophy, Culbertson, Fay, Foley, Rogers, Smyth, Thompson, and Wright.

No. 29, C. File, "A Bill to incorporate the Dubuque Mining Company,"

Was read a third time,

The question being put, Shall the bill pass?

It passed in the affirmative.

Yeas 15, Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Foley, Johnson, McCleary, Nowlin, Robb, Roberts, Smyth, Steele, Wray, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Brophy, Grimes, Hackleman, Hebard, Mitchell, Rogers, Walworth, and Wright.

No. 44, C. F. "A Memorial to Congress, requiring the Governor and Secretary to keep their offices at Iowa City."

Was read a third time.

And the question being put, Shall the Memorial pass?

It passed in the affirmative.

Yeas 17, Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Fay, Foley, Mitchell, McCleary, Nowlin, Roberts, Rogers, Smyth, Walworth, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Brierly, Grimes, Hackleman, Hebard, Johnson, Robb, Steele, and Wilson.

The following Bills, to wit:

No. 32, C. File, "A Bill to allow John Godden and others of Van Buren county, further time to construct a dam across the Des Moines river, at Pittsburg in said county."

No. 43, C. File, "A Memorial to Congress, for an appropriation of land to complete the Iowa Penitentiary."

No. 75, H. R. File, "A Bill to define lawful fences &c."

No. 91, H. R. File, "A Bill amendatory of an act entitled an act reltive to proceedings in Chancery, approved Jan. 23, 1839."

No. 94, H. R. File, "A Bill to amend an act regulating Mills and Millers, approved Feb. 3, 1843."

No. 117, H. R. File, "A Bill to locate a Territorial Road from Brighton in Washington county, to intersect the Road from Mount Pleasant, to Washington county."

No. 121, H. R. File, "A Bill to vacate a part of the Town of Solon, in Johnson county."

No. 122, H. R. File, "A Bill to authorize the County Commissioners of the county of Henry, to vacate a part of Webster street in the town of Mt. Pleasant."

No. 123, H. R.File, "A Bill to repeal certain acts herein named."

No. 124, H. R. File, "A Bill for the relief of George W. Cummins."

No. 125, H. R. File, "A Bill to incorporate the Mount Pleasant Lyceum."

No. 132, H. R. File "A Bill to perfect the collection of Taxes in Louisa county."

Were severally read a third time and passed.

Ordered, That the Council be informed accordingly.

On motion of Mr. Bonney,

The rules were suspended for the time being, and,

No. 9, C. F. "A Bill to locate a Territorial Road, from Keosauqua in Van Buren county to the western line of Appanoose county,"

Was taken from the table, read a third time and passed.

No. 11, H. R. File "A Bill to provide for assessing and collecting Public Revenue."

Being the order of the day, in the Committee of Whole House.

After some time spent therein,

Mr. Speaker resumed the chair, and Mr. Brierly reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House, and ask leave to sit again this evening.

Leave was granted.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

I herewith return,

An act for the improvement of Sheep.

An act to amend an act entitled an act, to amend an act entitled an act, for the incorporation of the town of Mount Plesant in Henry county, approved Jan. 25, 1842."

An act for the relief of Rev. Isaac Searles, minister of the Gospel.

An act to organize the county of Delaware, and to provide for holding Court in the same.

An act for the relief of William Parvin Collector of Muscatine county.

An act defining the Jurisdiction of the Supreme Court and regulating the practice therein.

All of which have been signed by the President of the Council.

I am directed to inform the House, that the Council have refused to appoint a second Committee of Conference, relative to the disagreeing vote of the two Houses, upon the Joint Resolution providing for the

publication of the laws of the present session.

And then he withdrew.

On motion of Mr. Wilson,

The House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The House resumed in Committee of the Whole House, the consideration of

No. 11, H. R. File, "A Bill to provide for assessing and collecting Public Revenue."

And after some time spent therein,

Mr. Speaker resumed the chair, and Mr. Brierly reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House with sundry amendments, and ask its concurrence.

On motion of Mr. Rogers,

The Bill and amendments were laid on the table until to-morrow.

Mr. Walworth from the Committee on engrossed bills reported, that they had examined Nos. 77, 126, 131, 137, 138, 139, and 140, and found the same correctly engrossed.

Mr. Walworth, on leave, introduced

No. 146, H. R. File, "A Bill to legalize the acts of Justices of the Peace in certain cases."

Mr. Baker, on leave, introduced

No. 147, H. R. File, "A Bill to amend an act entitled an act to district the Territory of Iowa into electoral districts.

Said bills were read a first time.

And then the House adjourned until to-morrow at 10 o'clock, A. M.

Friday Morning, February 9, 1844.

Mr. Hackleman presented the account of Wm. L. Gilbert, Esqr., for administering the official oath to the several members.

Which was referred to the Committee on Expenditures.

Mr. Smith presented the petition of the Judge of Probate and the County Commissioners of Linn county, praying that an act may be passed to authorize the Judge of Probate of said county to make a record of the former proceedings of said Court.

Which was referred to the delegation from Cedar, Jones, and Linn counties.

Mr. Mitchell presented the account of Alfred Sanders, for newspapers furnished the members.

Which was referred to the Committee on Expenditures.

The resolution offered on yesterday, by Mr. Foley, limiting the speaking of members to ten minutes at any one time, was considered and disagreed to.

Yeas 12, Nays 14.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Brierly, Fay, Foley, Hackleman, Johnson, Nowlin, Robb, Roberts, Thompson, Wilson, Wray, and Wright.

Those who voted in the negative, are

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Grimes, Hebard, Mitchell, McCleary, Rogers, Smyth, Steele, Walworth, and Carleton, (Speaker.)

Mr. Thompson gave notice, that he would, on to-morrow, introduce A Bill to take the census of the Territory.

Mr. Walworth from the Committee on Engrossed Bills, reported, that they had examined

Nos. 115 and 135, H. R. File, and found the same correctly engrossed.

Mr. Robb, from the Committee on Enrolled Bills, reported, that they had examined

An act to lay out a Territorial Road from Bennet's Mill, in Buchanan county, to or near Wm. Myers', in Dubuque county.

An act to amend an act entitled an act to establish a Ferry across the Mississippi river, approved, 18th Jan. 1838.

An act to establish the time of holding the District Courts in the several Judicial Districts.

An act to legalize the acts of Justices of the Peace and Constables, in certain cases.

And found the same correctly enrolled.

The Speaker signed said acts.

Mr. Robb, from the Committee on Enrolled Bills, reported, that the Committee did, on the 5th inst., present to the Governor, for his approval,

An act to incorporate the Grandview Literary and Philosophical Society.

An act for the relief of Malcolm Murray, late of the firm of Murray and Sanxey.

Joint Resolutions, for the establishment of certain Post Routes.

An act relative to Religious Societies.

An act to legalize the acts of James T. Harden, deputy recorder of Jefferson county.

An act to incorporate the Jefferson Academy.

An act to locate a Territorial Road from Brighton, in Washington county, to the county seat of Mahaska county.

An act to amend an act, entitled An act to establish new counties and define their boundaries.

Mr. Mitchell from the Committee on the Judiciary, reported back

with amendments,

No. 10, H. R. File, "A Bill to provide for and regulate, writs of error *Coram Nobis.*

Mr. Hebard, on leave, introduced

No. 148, H. R. File, "A Memorial to Congress, asking for a change of the law, regulating the intercourse with the Indians.

Which was read a first time.

No. 11, H. R. A Bill to provide for assessing and collecting public revenue, as reported back by the Committee of the whole House, was considered.

A motion was made by Mr. Foley, to strike out all after the word, "save" in the 10th section, and insert the following, "One hundred dollars worth of personal property, all improvements on government lands, the property of Churches and literary institutions, not exceeding ten acres, and all burial grounds."

Which was disagreed to.

Yeas 9—Nays 17.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Brophy, Foley Hackleman, Nowlin, Robb, Roberts, Rogers, Wilson, and Wray.

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Grimes, Hebard, Johnson, Mitchell, McCleary, Smyth, Steele, Thompson, Walworth, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Grimes to strike out all after the word "save" and to insert the following.

First, The property of the United States and of this Territory.

Second, The personal property of all literary, benevolent, charitable and scientific institutions, that have, or may be incorporated by, or under the laws of this Territory, and such real estate belonging to such institution, as shall actually be oucupied by them, for the purposes for which they were incorporated.

Thirdly, The household furniture of every person, not exceeding one hundred dollars in value, and also his necessary wearing apparel.

Fourthly, All farming utensils, mechanics' tools, and private libraries, except where they exceed in value one hundred dollars, in which case, the excess over that sum shall be taxed.

Fifthly, All houses of religious worship, and the lot or lots on which they may be situated, not exceeding five acres; the pews and furniture within such houses, all burial grounds, tombs and rights of burial.

Sixthly, All mules, horses, and neat cattle less than one year old, and all swine and sheep less than six months old.

Seventhly, The polls and estate of persons, who by reason of age, infirmity, and poverty, may in the judgment of the assessors, be unable to contribute towards the public charges, such judgment being always subject to ratification, or reversal by the Board of County Commissioners.

A motion was made by Mr. Nowlin, to strike out of Mr. Grimes' amendment, the words, "Farming utensils, mechanic's tools, and private libraries."

Which was disagreed to.

Yeas 8—Nays 17.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Brophy, Culbertson, Foley, Nowlin, Smyth, and Wilson.

Those who voted in the negative are,

Messrs. Bonney, Borland, Fay, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Robb, Roberts, Rogers, Steele, Thompson, Walworth, Wray, Wright, and Carleton, (Speaker.)

The question was then put on the adoption of Mr. Grimes' amendment. And was decided in the affirmative.

Yeas 23—Nays 3.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Brierly, Bonney, Borland, Brophy, Culbertson, Fay, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Robb, Roberts, Rogers, Steele, Thompson, Walworth, Wilson, and Carleton (Speaker.)

Those who voted in the negative are,

Messrs. Nowlin, Smyth, and Wright.

A motion was made by Mr. Hackleman, to so amend the 9th section that persons over the age of 50 years, should not be subject to a poll tax.

Which was decided in the negative.

Yeas 7—Nays 19.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Borland, Culbertson, Hackleman, Roberts, Wilson, and Wray.

Those who voted in the negative are

Messrs. Bonney, Brierly Brophy, Fay, Foley, Grimes, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Smyth, Steele, Thompson, Walworth, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Johnson, to so amend the 9th sec. that each "white male citizen" should be subject to a poll tax.

Which was decided in the negative.

Yeas 7, Nays 17.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Hackleman, Johnson, Mitchell, Robb, Smyth, Wright, and Carleton (Speaker.)

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Grimes, Hebard, McCleary, Nowlin, Roberts, Rogers, Steele, Walworth, Wilson, and Wray.

A motion was made by Mr. Bonney, to strike out the 9th sec. which requires a poll tax of not more than 50 cents to be assessed upon each male persons over the age of 21 years.

Which was decided in the negative.

Yeas 9—Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Bonney, Brophy, Fay, Johnson, McCleary, Robb, Roberts Smyth, and Wray.

Those who voted in the negative, are

Messrs. Baker, Brierly, Borland, Culbertson, Grimes, Hackleman, Hebard, Mitchell, Nowlin, Rogers, Steele, Walworth, Wilson, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Bonney, to strike out sections 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, and 67, which relate to the sale of lands for taxes.

Which was decided in the negative.

Yeas 6, Nays 19.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Bonney, Borland, Culbertson, Hackleman, Wilson, and Wright.

Those who voted in the negative, are

Messrs. Baker, Brierly, Brophy, Fay, Grimes, Hebard Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Steele, Thompson, Walworth, Wray, and Carleton, (Speaker.)

A motion was made by Mr. Wilson, to strike out 50 per cent. in the 53d section, and to insert 25 per cent. as the interest on delinquent taxes for the first year.

A division of the question was called for, first on striking out.

The question was then taken on striking out the 50 per cent.

And was decided in the negative.

Yeas 11, Nays 12.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative are,

Messrs. Bonney, Culbertson, Foley, Hackleman, Mitchell, Roberts, Smyth, Steele, Thompson, Wilson, and Wright.

Those who voted in the negative are,

Messrs. Brierly, Borland, Brophy, Fay, Grimes, Johnson, McCleary, Nowlin, Robb, Rogers, Wray, and Carleton, (Speaker.)

A motion was made by Mr. Grimes, to add the following sec. to wit:

That all county Collectors, elected in the several counties in this Territory, in the year, 1843, under the provisions of the act entitled An act to provide for assessing and collecting County and Territorial Revenue, approved Feb. 13, 1843, who have not received the Collector's lists, for the present current revenue year, shall, upon qualifying under the provisions of this act, be entitled to perform and discharge all the duties required of the County Treasurers, by the provisions of

this act, for one year from the first Monday in August, 1844.

Which was disagreed to.

Yeas 5. Nays 19.

The Yeas and Nays being demanded by two members,

Those who voted in the negative, are

Messrs. Grimes, Hackleman, Mitchell, Robb, and Wright.

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Johnson, McCleary, Nowlin, Roberts, Rogers, Smyth, Steele, Thompson, Wilson, Wray, and Carleton, (Speaker.)

A motion was made by Mr. Wilson, to so amend the 55th section, as to make it the duty of the Treasurer to report a list of lands on which the taxes are unpaid, to the District Court, in *four* years, instead of *two*.

And was decided in the negative.

Yeas 10, Nays 14.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Borland, Brophy, Culbertson, Foley, Hackleman, Smyth, Steele, Thompson, Wilson, and Wright.

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Fay, Grimes, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Rogers, Wray, and Carleton, (Speaker.)

A motion was made by Mr. Hackleman, to strike out all after the enacting clause of the bill, and to insert the following, to wit:

That it shall be the duty of the board of County Commissioners of each and every county in this Territory, if they deem it necessary, and the public good requires it, to cause a re-valuation of the real estate of their respective counties, with the improvements thereon, which valuation shall be made at the next annual assessment, and when the assessment rolls are filed, the board of County Commissioners of said county shall sit as a board of equalization, which valuation shall be in conformity to the act to which this is amendatory, as far applicable except so much of the ninth section of said act as relates to the taxation of improvements on claim lands, which is unsold, which shall remain free from taxation by any law of this Territory.

Sec. 2. That it shall be the duty of the County Commissioners, to levy a Territorial Tax on all property assessed in their respective counties, of one-half mill per centum on all taxable property within this Territory, for Territorial purposes, which shall be collected in the same manner, and at the same time that the county tax is collected, and by the same collector; and it shall be the duty of the Clerk of the board of Commissioners to make out and transmit to the Auditor of Public Accounts, the aggregate amount of Territorial taxes of his county, on or before the tenth day of December in each year.

Sec. 3. That it shall be the further duty of the Clerk of said Board, to make out one copy of the assessment list, and deliver the same to

the Collector, on or before the sixteenth day of August in each year; and he shall also make out one copy to be filed in his office, to be kept as a matter of record, by which the Commissioners will be enabled to settle with the Collector and Treasurer.

Sec. 4. That all Collectors, who shall have been duly elected and qualified, and have filed their bonds as is required, in the act to provide for the assessing and collecting county and Territorial Revenue, approved Feb. 13th, 1843. Said act shall not be so construed as to prevent any of said collectors from the collection of the taxes for 1844.

Sed. 5. The County Commissioners may appoint some person as a county bidder, to attend the collectors' sales, with such instructions as they think proper, who shall attend said sale, and bid off for the county any or all such land or lands, as may be sold by the collector, the right of which shall be vested in the county, as it would if an individual had purchased it for his own use, and the collector shall deliver to said bidder a certificate of the land so purchased, in the name of the county, as other certificates are executed to individuals.

Sec. 6. That all lands which are not sold for taxes, shall bear interest at the rate of fifty per cent per annum, and that before any person or persons shall hereafter dispute a tax title to any land or lands, in any suit at law or in equity, in any Court of this Territory, such person or persons, shall first have deposited with the Clerk of the Board of County Commissioners of the county in which such land or lands shall be situated, the amount of the original tax, costs and charges, with interest at the rate of fifty per cent. per annum thereon.

Sec. 7. That the fifty-first section of the act to provide for assessing and collecting County and Territorial Revenue, approved February 13th, 1843, and all acts or parts of acts, contravening the provisions of this act, be and the same are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its passage.

Which was decided in the negative.

Yeas 4, Nays 20.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Bonney, Culbertson, Hackleman, and Wright.

Those who voted in the negative are,

Messrs. Baker, Brierly, Borland, Brophy, Fay, Foley, Grimes, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Steele, Thompson, Wilson, Wray, and Carleton, (Speaker.)

A motion was made by Mr. Thompson, to add the following to the 19th section:

"With the exception of improvements made by clearing up, fencing and breaking such lands."

And was decided in the negative.

Yeas 7, Nays 17.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Fay, Grimes, McCleary, Robb, Steele, Thompson, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Hackleman, Johnson, Mitchell, Nowlin, Roberts, Rogers, Smyth, Wilson, Wray, and Wright.

The bill was then ordered to be engrossed and read a third time on Monday next.

Yeas 19—Nays 5.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Brierly, Brophy, Fay, Grimes, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Smyth, Steele, Thompson, Wilson, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Bonney, Borland, Culbertson, Hackleman, and Rogers.

No. 40, C. F. "A Bill to amend an act entitled, An act to abolish imprisonment for debt."

Was read a second time; and after being amended,

The 42d rule was suspended, and the bill read a third time and passed.

A motion was made by Mr. Rogers, to re-consider the vote by which an amendment, offered by Mr. Fay, was rejected, when,

On motion of Mr. Nowlin,

The motion to re-consider was laid on the table.

The following bills, to wit:

No. 46, C. File, "A Joint Resolution for the relief of F. M. Irish."

No. 50, C. F. "A Bill to revive an act entitled An act to review a part of a Territorial Road from Fort Madison, in Lee county, to Iowaville, in Van Buren county."

No. 58, C. File, "A Bill to change a part of a Territorial Road running from Burlington to the mouth of the Des Moines river;"

Were severally read a second time, and ordered to be read a third time to-morrow.

The following billsand Resolutions, to wit:

No. 47, C. F. "A Joint Resolution relative to the University Lands of Iowa."

No. 51, C. F. "A Bill to amend an act entitled An act concerning costs and fees;"

No. 57, C. F. "A Joint Resolution, relative to the re-publication of a certain act."

Were severally read a second time, and laid upon the table.

The following bills, to wit:

No. 48, C. File, "A Bill to amend certain acts relating to Roads and Highways;"

No. 49, C. F. "A Bill to vacate a part of the town of Parkhurst;"

Were severally read a second time, and the 42d rule suspended for the time being, and the bills read a third time, and passed.

No. 53, C. File, "A Bill donating to the Baptist Church of Iowa City a certain lot of ground."

Was read a second time.

A motion was made by Mr. Rogers, to indefinitely postpone the bill.

Which was decided in the negative.

Yeas 3, Nays 23.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Grimes, Hebard, and Rogers.

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Smyth, Steele, Thompson, Walworth, Wilson, Wray Wright, and Carleton (Speaker.)

The bill was then ordered to be read a third time to morrow.

No. 18, H. R. File, "A Bill to amend an act entitled an act to incorporate the Scott County Hydraulic Company."

Was read a second time, when,

A motion was made by Mr. Grimes, to refer the bill to a Committee of the Whole House, and make it the order of the day for to-morrow.

Which was decided in the affirmative.

Yeas 16—Nays 10.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Borland, Brierly Grimes, Hackleman, Hebard. Johnson, Mitchell, McCleary, Robb, Roberts, Steele, Walworth, Wilson, Wray, and Carleton, (Speaker.)

Those who voted in the negative are

Messrs. Bonney, Brophy, Culbertson, Fay, Foley, Nowlin, Rogers, Smyth, Thompson, and Wright.

The following Bills, to wit:

No. 141, H. R. File, "A Bill to legalize the acts of John Peterson an acting Justice of the Peace."

No. 142, H. R. File "A Bill to amend an act entitled an act defining crimes and punishments,"

Were severally read a second time, and ordered to be engrossed and read a third time to-morrow.

No. 143, H. R. File, "A Bill to lay out a Territorial Road, from J. H. Jenkins' in Linn county, in a direction to the City of Dubuque."

Was read a second time, and,

On motion of Mr. Nowlin,

The 42nd. rule was suspended, and the bill was read a third time and passed.

No. 144, H. R. File, "A Bill to incorporate Iowa City."

Was read a second time, and,

Referred to the Committee on Corporations.

No. 145, H. R. File, "A Bill to amend an act entitled an act, con-

cerning Grand and Petit jurors,"

Was read a second time, and,

Referred to a Committee of the Whole House, and made the order of the day for Monday next.

No. 147, H. R. File, "A Bill to amend an act entitled an act to district the Territory of Iowa into electoral districts.

Was read a second time, and,

On motion of Mr. Brophy,

Referred to a Committee of the Whole House and made the order of the day for to-morrow.

No. 77, H. R. File, "A Bill to amend an act entitled an act, subjecting real and personal estate to execution."

Was read a second time, and after being slightly amended,

The question was put, Shall the bill pass?

It passed in the affirmative.

Yeas 16—Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Borland, Culbertson, Fay, Foley, McCleary, Nowlin, Rogers, Smyth, Steele, Thompson, Walworth, Wray, Wright. and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Brophy, Grimes, Hackleman, Hebard, Johnson, Mitchell, Roberts, and Wilson.

The following Bills, to wit:

No. 126, H. R. File, "A Bill authorizing the raising of Dams in the Des Moines river."

No. 131, H. R. File, "A Bill for the relief of George Andrews."

No. 137, H. R. File, "A Bill to amend the Militia Law, so as to form a fourth division."

No. 138, H. R. File, "A Joint Resolution providing Seals, for the Courts in the new counties."

No. 139, H. R. File, "A Bill to form a fourth Judicial District."

Were severally read a third time and passed.

No. 140, H. R. File, "A Bill to authorize evidence by the oath of parties."

Was read a third time, and,

On motion of Mr. Nowlin,

Laid on the table,

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed, with amendments,

No. 99, H. R. File, "A Bill declaring a certain Road therein named, a public highway,"

No. 41, H. R. File, "A Bill to organize the county of Wapello."

No. 59, C. F. "A Bill to legalize the acts of George H. Jennison, an acting Justice of the Peace, in Jefferson county."

Also, without amendment.

No. 74, H. R. "Joint Resolutions, relative to Mail routes Nos. 4228 and 4506."

No. 105, H. R. File, "A Bill to locate a Territorial Road, from Iowa City, to the seat of Justice of Mahaska county."

No. 118, H. R. File, "A Bill to locate a Territorial Road, from Deed's Mill in Jefferson county, to Crippen's Mill in Washington county.

I herewith present for your signature,

An act to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution, for the State of Iowa.

An act to incorporate the board of Trustees of the Congregational Church and Society of Burlington."

An act to locate a Territorial Road, from the Southern line of Davis county, to the northern line of Wapello county.

And then he withdrew.

The Speaker signed the above named acts.

And then the House adjourned until to-morrow at 10 o'clock, A. M.

Saturday Morning, February 10, 1844.

On motion of Mr. Brierly,

Resolved, That the Hon. James P. Carleton, be allowed the sum of three dollars per day for his services as Speaker of this House, during the present session.

Mr. Mitchell gave notice, that he would on Monday next, introduce

A Bill to authorize boards of County Commissioners to vacate town plats; also,

A Memorial to the Post Master General of the U. S. to increase the service on Mail Routes, Nos. 4509 and 4510, in this Territory.

Mr. Fay, on leave, introduced

No. 149 H. R. File, "A Bill granting license to Pedlars,"

Which was read a first time, and,

On motion of Mr. Fay,

The 42nd. rule was suspended, and the Bill read a second time, and referred to a Committee of the Whole House, and made the order of the day for this afternoon.

Mr. Smyth, from the Select Committee appolnted on the subject, reported,

No. 150, H. R. File, "A Bill to authorize the Judge of Probate of Linn county, to make a Record of the proceedings of said Court."

Which was read a ffrst time.

Mr. Grimes, from the Committee on the Judiciary, reported back No. 144, H. R. File "A Bill to incorporate Iowa City."

And recommended that the bill be referred to the delegation from Johnson county."

Which was not agreed to.

On motion of Mr. Bonney,

Ordered That the Bill be referred to the Committee on Corporations, with instructions to condense the same.

A motion was made by Mr. Johnson, to suspend the rules for the time being, for the purpose of taking from the table

No. 64, H. R. File, "A Bill authorizing the Territorial Agent to sell Lots in Iowa City, to discharge the debt due the Miners' Bank of Dubuque."

Which was agreed to.

The bill was then referred to a Select Committee, viz:

Messrs. Johnson, Smyth and McCleary.

A motion was made by Mr. Thompson, to suspend the rules for the time being, for the purpose of taking from the table.

No. 93, H. R. File, "A Memorial to Congress for a donation of land for the Mount Pleasant Institute,"

Which was agreed to.

On motion of Mr. Thompson,

Ordered, That the Bill be referred to the Delegation from Henry county."

A motion was made by Mr. Brierly, to suspend the rules for the time being, for the purpose of taking up

No. 115, H. R. File "A Bill for the formation of the county of Jasper,"

And reading the same a third time now;

Which was agreed to.

The bill was then read a third time.

A motion was made by Mr. Grimes, to strike out the word "Jusper," wherever it occurs and to insert the word "Madison."

Which was agreed to.

The question was then put, Shall the Bill pass.

It passed in the affirmative.

Yeas 20—Nays 2.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Brierly, Brophy, Culbertson, Fay, Foley, Grimes, Hackleman, Mitchell, Nowlin, Robb, Roberts, Rogers, Smyth, Thompson, Walworth, Wilson, Wray, Wright, and Carleton (Speaker.)

Those who voted in the negative are,

Messrs. Bonney and McCleary.

No. 41, H. R. File, "A Bill to organize the county of Wapello," as amended by the Council was concurred in.

No. 99, H. R. File, "A Bill declaring a certain Road therein named a public Highway."

As amended by the Council was concurred in.

No. 59, C. File, "A Bill to legalize the acts of George H. Jennison, an acting Justice of the Peace in Jefferson county."

Was read a first time.

No. 18, H. R. File, An act to incorporate the Scott county Hydraulic Company, being the order of the day, was referred to a Committee of the Whole House for the consideration of the same.

And after sometime spent therein,

Mr. Speaker resumed the chair, and Mr. Grimes reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

A motion was made by Mr. Grimes, to strike out all after the enacting clause, and insert the following; to wit:

That Antoine Le Claire, George L Davenport, John Owens, Ambrose C. Fulton, James Davenport, Egbert S. Burrows, Jabez A. Birchard, Jr., and Harvey Leonard be, and they are hereby appointed commissioners, to receive subscriptions for the capital stock of the company hereby incorporated, who, or a majority of them, shall open subscription books at Davenport, and at such other places, and at such times as they shall deem expedient, for receiving subscriptions for said stock, having first given sixty days notice, in one or more of the newspapers published in this Territory, of the time and place designated for receiving such subscriptions, at which time and place, one or more of said commissioners shall attend, and said subscription books shall be kept open until at least ten thousand dollars of said stock shall have been subscribed for. Each subscriber at the time of subscribing, shall pay to the commissioners five dollars upon each share of stock taken by him, and as soon as a Board of Directors shall be elected, the said commissioners shall deliver over to said directors the subscription books and moneys received on said stock.

Sec. 2. So soon as ten thousand dollars of said stock shall have been subscribed for as aforesaid, the said commissioners, or a majority of them shall call a meeting of the stockholders, to elect a board ofseven Directors, and shall give at least sixty days notice in one or more of the newspapers printed in this Territory, of the time and place designated for holding said election, and said commissioners or a majority of them, shall attend and conduct said election, which shall be by ballot, and the commissioners who may preside as aforesaid, shall certify the result of said election under their hands, which certificate shall be recorded in the books of the company, and shall be sufficient evidence of the election of said directors. All subsequent elections shall be held in the town of Davenport, at such times, and be conducted in such manner as shall be provided for in the bye-laws of said corporation. Provided, That each stockholder shall be allowed as many votes as he shall own shares of stock at the commencement of any such election, and a plurality of votes shall determine the choice. The said directors, so elected, shall hold their offices for one year, and until their successors are elected and qualified, and they shall elect one of their number to be President of said board.

Sec. 3. All such persons as shall become stockholders in the corporation hereby created agreeably to the provisions of this act shall be, and they are hereby created a body politic and corporate by the name of the "Scott County Hydraulic Company," and by that name shall have perpetual succession, may sue and be sued, plead and be impleaed in any court of law or equity, may take, acquire, purchase, hold, use, enjoy, sell, transfer, and convey real, personal, and mixed estate, and property, may make and use a common seal, and alter and change the same at pleasure, may make all such bye-laws, rules, and regulations for the government and management of the business and affairs of said corporation, the transfer and use of its capital stock and funds as may from time to time be deemed necessary, not repugnant to the Constitution and laws of the United States or of this Territory, and may appoint and employ a Secretary, Treasurer, Engineer, and such other subordinate officers, agents, and servants, as the business of said corporation may require under the bye-laws of said Corporation.

Sec. 4. The capital stock of said company shall be one hundred thousand dollars, and shall be divided into two thousand shares of fifty dollars each, and said shares shall be deemed personal property. The board of directors shall have power to collect the stock subscribed for under such regulations as may be prescribed by the bye-laws of said company by instalments not exceeding ten dollars on each share of stock, after having given thirty days' notice in some newspaper, printed in this Territory of the time when any such instalment will be required to be paid; and if any stockholder shall neglect or refuse to pay any such instalment, the directors are hereby empowered to sue for, and collect the same in an action of assumpsit in any court having jurisdiction thereof, or the directors shall have power to forfeit any such share or shares of stock to the use of said company at their election, after the expiration of sixty days from the time payment may have been required as aforesaid, unless the said instalment shall have been previously paid until one-half of each share of stock shall be paid, after which no forfeiture of stock shall take place.

Sec. 5. The stockholders shall hold an annual meeting at Davenport, at such time as shall be provided for in the bye-laws for the election of directors and the transaction of such other business as may require the action of the stockholders and the board of directors, or a majority of them may call special meetings of the stockholders under such regulations as the bye-laws may prescribe, and at any such meeting the stockholders may require a full report of the condition and finances of said company, and the books, papers, and records of the said company shall, at all times, be open to the inspection of the company, or any committee or individual member thereof.

Sec. 6. The said company shall have the right, and is hereby empowered to construct, maintain, and continue in use, a canal of sufficient dimensions to answer the objects and purposes of said corporation, from some point on the Mississippi river, at or near to Smith's Island (so called) on the upper, or Rock Island rapids of said river to

some point at or near the town of Davenport; said canal to be constructed so as best to answer the objects and purposes of said corporation in the application of the water that may flow through the same, to any and every hydraulic purpose to which it may be deemed expedient by said company to apply the same, to make all such dams, gates, locks, feeders, bridges, culverts, embankments, and other necessary works for the free use of the water that may flow through said canal for the propelling of mills, factories, and machinery of every description that it may be judged expedient to erect or cause or permit to be erected, at any point on said canal; and said company is hereby authorized by its officers, agents, engineers, or servants, to enter upon any land, by and with the consent of the owners thereof, deemed necessary for any of the purposes aforesaid, and cause a survey of the whole line of said canal and of the lands necessary for the purposes aforesaid, to be made, and plat thereof to be constructed, delineating thereon the metes, bounds, courses, and distances over or through the land of each and every owner thereof, through which the said canal is required to pass, and the exact quantity of land required for the construction and use of said canal belonging to each; but said company shall not construct said canal, or any portion thereof, or any of the works aforesaid, upon or through the land of any person or persons, without first purchasing from the owner thereof the land necessary to be used for the construction of said canal or other works aforesaid.

Sec. 7. The said company is hereby authorized to erect any mills, factories, and other machinery, at any point on the line of said canal, that it may deem expedient, and to take from the Mississippi river the necessary water for propelling the same; provided, that in so doing, the free navigation of said river shall not be injured or obstructed; and the said company is hereby authorized to sell, convey, lease, or otherwise dispose of, and appropriate, all or any portion of the water power with the privileges and appurtenances thereunto belonging, created by said canal, and if any public road or highway shall cross said canal, said company shall construct good and sufficient bridges over said canal, at every point where such road crosses the same, and shall at all times keep the said bridges in good repair.

Sec. 8. No person shall be eligible to the office of a director of said company who is not a stockholders therein, at the time of his election, and during his continuance in office. All vacancies occurring in said Board of Directors, from whatever cause, shall be filled in the manner prescribed in the bye-laws.

Sec. 9. That if at any time hereafter, the Government of the United States, shall deem it expedient, to construct a Steam Boat canal, around said upper rapide of the Mississippi on the Iowa side thereof, the said government of the United States, may take or purchase the canal and other works aforesaid, authorized to be constructed by this act, upon such terms and for such a price, as the Congress of the United States may deem just and equitable, and if the Legislature of Iowa shall at any time hereafter, charter a company for the construction of

such Steam Boat canal, said company may at its election purchase the canal and other works hereby authorized to be constructed by this act, for such sum, and upon such terms, as may be agreed upon by said companies, and in case of their inability, to agree said price and terms to be settled and fixed by five disinterested persons, each company selecting two, and the four thus selected, choosing the fifth.

Sec. 10. If any private individual shall be injured by any violation of this charter by the said company, he may file in the office of the clerk of the district court of Scott county, his written information, specifying the said violation and injury complained of, a certified copy of which shall be served on said company in the manner prescribed by law for serving process on corporations, and the said district court shall, at the next term thereof, unless continued for good cause, hear and determine such charges and specifications, and if the same shall be found to be true, enter judgment against said company for the amount of damages sustained by such person, and may also enter a judgment of forfeiture of the rights and privileges hereby granted.—Provided, however, that such company shall have a reasonable time allowed by the court, not less than one year from the date of such judgment, to wind up and settle its affairs, and for that purpose may act under its corporate name and the provisions of this act.

Sec. 11. That an act entitled "An act to incorporate the Scott County Hydraulic Company," approved, 21st January, 1843, be, and the same is hereby, repealed.

Which was decided in the affirmative.

Yeas 16, Nays 9.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Bonney, Borland, Brierly, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Robb, Roberts, Rogers, Walworth, Wilson, Wray and Carleton (Speaker.)

Those who voted in the negative, are

Messrs. Baker, Brophy, Culbertson, Fay, Foley, Nowlin, Smyth, Thompson, and Wright.

And after debate,

A motion was made by Mr. Nowlin, to postpone the consideration of the bill until the first Monday in August next.

Which was agreed to.

Yeas 14—Nays 11.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, Johnson, Nowlin, Rogers, Smyth, Thompson, and Wright.

Those who voted in the negative, are

Messrs. Brierly, Grimes, Hebard, Mitchell, McCleary, Robb, Roberts, Walworth, Wilson, Wray, and Carleton, (Speaker.)

No. 130, H. R. File, "A Bill to amend an act for the organization

of townships, being the order of the day, was referred to a Committee of the Whole House.

And after sometime spent therein,

Mr. Speaker resumed the chair, and Mr. Baker reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

On motion of Mr. Johnson,

Ordered, That the Bill be laid on the table.

No. 140, H. R. File, "A Bill to amend an act entitled an act, to district the Territory into electorial Districts, and to apportion the the representation of each," being the order of the day.

A motion was made by Mr. Wilson, to postpone the consideration of said bill until Monday next.

Which was decided in the affirmative.

Yeas 14—Nays 10.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Grimes, Hackleman, Hebard. Johnson, Mitchell, Robb, Roberts, Smyth, Thompson, Walworth, Wilson, Wray, Wright and Carleton, (Speaker.)

Those who voted in the negative are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, McCleary, Nowlin, and Rogers.

Mr. Grimes moved a suspension of the rules, for the purpose of taking from the table

No. 140, H. R. File, "A Bill to amend an act entitled an act, to authorize evidence by the oath of parties."

Which was agreed to.

The question was put, Shall the bill pass?

It passed in the affirmative.

Yeas 13—Nays 11.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Brierly, Culbertson, Grimes, Hebard, Mitchell, McCleary, Robb, Thompson, Walworth, Wilson, Wray, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Bonney, Borland, Brophy, Fay, Hackleman, Johnson Nowlin, Roberts, Rogers, Smyth, and Wright.

No. 10, H. R. File, "A Bill to provide for and regulate writs of error *coram nobis*.

Was read a second time, and,

Ordered to be engrossed and read a third time on Monday next.

On motion of Mr. Fay,

The House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

A motion was mas made by Mr. Brierly, to reconsider the vote on the passage of

No. 140, H. R. File, "A Bill to amend an act to authorize evidence by oath parties," when,

On motion of Mr. Fay,

The motion to reconsider, was laid on the table.

Mr. Robb moved a suspension of the rules, for the purpose of introducing a bill to wit:

No. 151, H. R. File, "A Bill for assessing a Territorial tax and for other purposes."

Which was agreed to.

And the Bill read a first time, and,

Fifty copies ordered to be printed.

No. 146, H. R. File, "A Bill to legalize the acts of Justices of the Peace in certain cases"

Was read a second time; and,

Ordered to be engrossed and read a third time on Monday next,

Yeas 14, Nays 11.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Brierly, Culbertson, Grimes, Hebard, Mitchell, McCleary, Nowlin, Robb, Roberts, Smyth, Walworth, Wilson, Wray, and Wright.

Those who voted in the negative, are

Messrs. Baker, Bonney, Borland, Brophy, Fay, Foley, Hackleman, Johnson, Rogers, Thompson, and Carleton, (Speaker.)

Mr. Hebard, from the Committee on enrolled bills, reported, that they had examined,

An act to locate a Territorial Road, from Deed's Mill in Jefferson county, to Crippen's Mill in Washington county.

An act to locate a Territorial Road, from Iowa City, to the seat of Justice of Mahaska county.

Joint Resolutions, relative to mail Routes Nos. 4228 and 4506.

And found the same correctly enrolled.

The Speaker signed said acts.

A Message from the Council, by Mr. Wallace, their Secretary

Mr. SPEAKER:

The Council have passed

No. 55, C. F. "A Bill to authorize Sheriffs to make and execute deeds for land sold on execution under the redemption law."

No. 60, C. File, "A Bill to change the names of the counties of Appanose and Kishkakosh."

No. 61, C. F. "A Bill to amend the several acts incorporating the town of Fort Madison. Also, with amendments,

No. 54, H. R. "A Bill amendatory of an act entitled An act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings."

Also, without amendment,

No. 37, H. R. File, "A Bill to legalize deeds and other instruments of writing."

No. 69, H. R. File, "A Bill to punish the obstructing the public roads," &c.

No. 79, H. R. File, "A Bill to legalize the location of a Territorial Road from Bellview to Iowa City."

No. 133, H. R. File, "A Bill to incorporate the Washington Lyceum of Jackson county."

The Council have also passed

No. 62, C. F. "A Bill to legalize a road from Denson's Ferry, in Cedar county, to the southern boundary of said county;"

No. 66, C. F. "A Bill relative to the town plat of Fredonia, in Louisa county."

Also, with amendments,

No. 117, H. R. File, "A Bill to locate and establish a Territorial Road from Brighton, to intersect the road from Mt. Pleasant to Washington county."

No. 134, H. R. File "An act to locate a Territorial Road from Wilson's Mill, in Henry county, to Glasgow, in Jefferson county."

No. 125, H. R. File, "A Bill to incorporate the Mount Pleasant Lyceum."

No. 132, H. R. File, "An act to perfect the collection of Taxes in Louisa county." Also,

No. 63, C. F. "An act to re-locate a part of the Territorial Road running from Fort Madison to Iowaville, on the Des Moines river."

Also, without amendment,

No. 121, H. R. File, "A Bill to vacate a part of the Town of Solon, in Johnson county."

No. 124, H. R. File, "A Bill for the relief of G. W. Cummins."

No. 129, H. R. File, "A Bill to lay out a Territorial Road from Delhi, in Delaware county, to Cascade, in Dubuque county."

I herewith present for your signature,

Memorial to Congress, requiring the Governor and Secretary to keep their offices at Iowa City.

Memorial to Congress, for an appropriation of land to complete the Iowa Penitentiary.

An act to allow John Godden and others, of Van Buren county, further time to construct a Dam across the Des Moines river, at Pittsburgh, in said county.

An act to incorporate the Dubuque Mining Company.

I also herewith return

A Memorial to Congress, for the establishment of a Mail Route from

Galena, Ill., via Bellview, to Iowa City.

A Memorial to Congress, for a Township of land for the Jackson County Academy.

An act amendatory of an act entitled "An act for the relief of the Poor."

An act to authorize Hugh Boyle & Ralph Bissell to erect a Dam across Skunk river, in Henry county.

An act to authorize the payment of the expenses, of laying out a certain Territorial Road.

An act to legalize the location of a Territorial Road from Davenport to Bellview.

An act to authorize the administrators of John Jones, deceased, to make a title to certain real estate, in Grandview, Louisa county.

An act to lay out and establish a Territorial Road from the Cedar Rapids, in Linn county, to the Rapids on the Wapesipinicon river, in Buchanan county.

An act to amend an act entitled 'An act for the incorporation of the town of Farmington,' &c.

An act to establish the time of holding the several District Courts in the several Judicial Districts in this Territory.

An act to legalize the acts of Justices of the Peace and Constables, in certain cases.

An act to lay out a Territorial Road from Bennett's Mill, in Buchanan county, to, or near, William Myers', in Dubuque county.

An act to amend an act entitled 'An act to establish a Ferry across the Mississippi river, in this Territory,' &c.

All of which have been signed by the President of the Council.

The Council have indefinitely postponed

No. 94, H. R. File, "A Bill to amend an act entitled 'An act regulating Mills and Millers," approved Feb. 3, 1843. Also,

No. 96, H. R. File, "A Bill to incorporate the Mt. Pleasant Collegiate Institute."

And then he withdrew.

The Speaker signed the acts, &c., presented for his signature.

The following bills, to wit:

No. 135, H. R. File, "A Bill to authorize Sheriffs and Collectors of taxes to make deeds in certain cases."

No. 141, H. R. File, "A Bill to legalize the acts of John Peterson as Justice of the Peace."

No. 46, C. File, "A Joint Resolution for the relief of F. M. Irish."

No. 50, C. F. "A Bill to revive an act entitled 'An act to review and establish a part of a Territorial Road, leading from Fort Madison to Iowaville."

No. 58, C. File, "A Bill to change a part of a Territorial Road from Burlington to the mouth of the Des Moines river,"

Were severally read a third time and passed.

No. 53, C. F. "A Bill donating to the Baptist Church of Iowa City a certain lot of ground therein named," was read a third time;

And the question being put,
Shall the Bill pass?
It passed in the affirmative.
Yeas 21—Nays 3.
The Yeas and Nays being demanded by two members,
Those who voted in the affirmative are
Messrs. Baker, Bonney Brierly, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, Johnson, Mitchell, McCleary, Robb, Roberts, Smyth, Thompson, Walworth, Wilson, Wray, Wright, and Carleton, (Speaker.)
Those who voted in the negative are,
Messrs. Grimes, Hebard, and Rogers.
No. 142, H. R. File, "A Bill to amend an act entitled 'An act defining Crimes and Punishments,'"
Was read a third time, and,
On motion of Mr. Grimes,
Referred to the Committee on the Judiciary.
Mr. Walworth, on leave, introduced,
No. 152, H. R. File, "A Bill to incorporate the Wapesipinicon Bridge Company."
Which was read a first time.
No. 149, H. R. File, "A Bill granting license to Pedlars," being the order of the day, was referred to a Committee of the Whole House for the consideration of the same.
And after sometime spent therein, Mr. Speaker resumed the Chair, and Mr. Foley reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments.
The House concurred in the amendments of the Committee.
The question was then taken on the engrossment of the bill, and decided in the affirmative.
Yeas 20, Nays 3.
The Yeas and Nays being demanded by two members,
Those who voted in the affirmative are,
Messrs. Brierly, Borland, Culbertson, Fay, Foley, Grimes, Hackleman, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Thompson, Wray, Wright, and Carleton, (Speaker.)
Those who voted in the negative are,
Messrs. Baker, Bonney, and Brophy.
On motion of Mr. Robb,
No. 111, H. R. File "A Bill to provide for the payment of costs in certain cases,"
Was taken from the table.
Several amendments being proposed by Mr. Grimes and Mr. Nowlin, it was,
On motion of Mr. Rogers,
Ordered, That the bill and amendments be laid on the table and printed.

No. 51, C. F. "A Bill to amend an act concerning Costs and Fees,"
Was read a third time and laid on the table.

Mr. Wilson, on leave, offered the following:

Resolved, That no business of a general nature shall be introduced into this House, after the 13th inst., and no business of a local character, after the 14th inst.

Which was disagreed to.

The following bills, to wit:

No. 54, H. R. File "A Bill to amend an act entitled 'An act to provide for the election of Justices of the Peace,'" &c.

No. 117, H. R. File, "A Bill to locate a Territorial Road from Brighton, in Washington county, to intersect the road from Mount Pleasant to Washington, in Washington county."

No. 125, H. R. File, "A Bill to incorporate the Mount Pleasant Lyceum."

No. 132, H. R. File, "A Bill to perfect the collection of taxes in Louisa county."

No. 134, H. R. File, "A Bill to locate a Territorial Road from Wilson's Mills, in Henry county, to Glasgow, in Jefferson county,"

Being returned from the Council with sundry amendments, were taken up, considered, and concurred in.

Mr. Thompson, on leave, introduced

No. 153, H. R. File, "A Bill to provide for taking the census of the Territory in 1844,"

Which was read a first time.

No. 86, C. F. "A Bill relative to the town plat of Fredonia in Louisa county,"

Was read a second time, and,

On motion of Mr. McCleary,

The 42d rule was suspended, and the bill read a second and third time and passed.

On motion of Mr. Wilson,

The House adjourned until Monday morning at 9 o'clock.

Monday Morning, February 12, 1844.

A motion was made by Mr. Johnson, to reconsider the vote taken on Saturday last, by which the House concurred in the following section, added by the Council, to

No. 54, H. R. File, "A Bill to amend an act entitled an act, to provide for the election of Justices of the Peace," &c.

Sec. 16. Nothing in this act shall be so construed as to affect in any manner, suits instituted before Justices of the Peace, under the act to

which this is amendatory, but all suits so instituted, shall be prosecuted to final determination, in the same manner as if this act had not been passed.

Which was agreed to.

Yeas 13, Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Brierly, Culbertson, Fay, Grimes, Hackleman, Hebard, Johnson, Roberts, Smyth, Thompson, Wilson, and Wright.

Those who voted in the negative, are

Messrs. Bonney, Borland, Mitchell, McCleary, Robb, Rogers, Wray and Carleton (Speaker.)

A motion was made by Mr. Smyth, to amend the amendment of the Council by inserting after the word instituted, previous to the taking effect of this act, which was agreed to.

The question then recurred, on concurring in the amendment of the Council as amended.

And was decided in the affirmative.

Yeas 17, Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Bonney, Brierly, Borland, Brophy, Grimes, Hackleman, Hebard, Johnson, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Walworth, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Culbertson, Fay, Foley, Mitchell, Thompson, Wilson and Wray.

Mr. Hebard from the Committee on Enrolled Bills, reported, that they had presented to the Governor for his approval,

An act to amend an act entitled an act, to amend an act entitled an act, for the incorporation of the town of Mount Pleasant, in Henry county.

An act to organize the county of Delaware, and to provide for holding court in the same.

An act for the relief of Rev. Isaac Searles.

An act for the relief of Wm Parvin, Collector of Muscatine county.

An act defining the Jurisdiction of the Supreme Court, and regulating the practice therein.

An act for the improvement of Sheep.

And that the Governor had approved the same.

Mr. Hackleman presented the account of William Sheets & Co., amounting $382,50, for paper furnished the Legislative Assembly.

Which was referred to the Committee on Expenditures.

Mr. Grimes presented the account of James G. Edwards, amounting to $13, for newspapers furnished the members.

Which was referred to the Committee on Expenditures.

Mr. Wilson, on leave, introduced

No. 154, H. R. File, "A Joint Resolution, to provide for the print-

ing of the act amendatory to the Justices law."

Which was read a first time.

Mr. Brierly asked leave of absence for Mr. Steele,

Which was granted.

Mr. Hackleman, on leave, introduced,

No. 155, H. R. File, "A Resolution to provide for the Printing of the laws.

Which was read a first time,

Mr. Mitchell, on leave, introduced

No. 156, H. R. File, "A Bill to authorize Boards of County Commissioners, to vacate town plats."

Mr. Johnson from the Select Committee appointed on the subject, reported back with amendments,

No. 64, H. R. File, "A Bill authorizing the Territorial Agent, to sell lots in Iowa City, to discharge the debt due the Miners' Bank of Dubuque."

Which were read a first time.

Mr. Walworth from the Committee on Engrossed Bills, reported, that they had examined Nos. 10 and 11, H. R. File, and found the same correctly engrossed.

Mr. Grimes moved a suspension of the rules, for the purpose of taking up, and reading a third time now,

No. 11, H. R. File, "A Bill to provide for assessing and collecting Public Revenue."

Which was agreed to.

The Bill was then read a third time.

And the question being put, Shall the Bill pass?

It passed in the affirmative.

Yeas 19—Nays 6.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Brophy, Fay, Foley, Grimes, Hebard. Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Thompson, Wilson, Wray, and Carleton, (Speaker.)

Those who voted in the negative are

Messrs. Bonney, Borland, Culbertson, Hackleman, Walworth, and Wright.

Mr. Robb from the Committee on Enrolled Bills, reported, that they had examined,

An act to locate a Territorial Road from Wilson's Mills, in Henry county, to Glasgow, in Jefferson county.

An act to organize the county of Wapello."

An act to lay out a Territorial Road from Delhi, in Delaware county, to Cascade, in Dubuque county.

An act declaring a certain road therein named a Public Highway.

An act to legalize Deed's and other instruments of writing.

An act to legalize the location of a Territorial Road from Bellview to Iowa City.

An act for the relief of G. W. Cummins.
An act to vacate a part of the Town of Solon.
And found the same correctly enrolled.
The Speaker signed said acts.

Mr. Walworth, on leave, presented the petition of 123 citizens of the counties of Cedar, Jones and Linn, praying that an act may be passed, to so change the said electoral district, that Linn county may elect one member, and the counties of Cedar and Jones one member, to the House of Representatives.

Which was referred to the delegation from said district.

The following Bills, to wit:

No. 55, C. F. "A Bill to authorize Sheriffs to make and execute deeds."

No. 60, C. File, "A Bill to change the names of the counties of Appanoose and Kishkakosh."

No. 61, C. F. "A Bill to amend the several acts incorporating the town of Fort Madison.

No. 62, C. F. "A Bill to legalize a road from Denson's Ferry, in Cedar county, to the southern boundary of said county;"

No. 63, C. F. "An act to re-locate a part of the Territorial Road running from Fort Madison to Iowaville, on the Des Moines river."

Were severally read a first time.

No. 145, H. R. File, "A Bill to amend an act entitled an act, concerning Grand and Petit Jurors, approved, Jan. 4th. 1839"

Being the order of the day was referred to a Committee of the Whole House for the consideration of the same.

And after sometime spent therein,

Mr. Speaker resumed the chair, and Mr. Robb reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

The House concurred in the amendments of the Committee.

On motion of Mr. Mitchell,

Ordered, That the Bill be referred to a Select Committee with instructions to report to-morrow morning.

Whereupon, Messrs. Mitchell, Walworth and Thompson, were appointed said Committee.

A Message from the Council, by Mr. Wallace their Secretary,

Mr. SPEAKER:

I am directed to inform the House, that the Council have appointed Messrs. Cook and Springer a Committee of conferrence, in relation to the disagreeing vote of the two Houses, upon,

No. 30, C. File, "A Bill to incorporate the Wappesipinicon Mill Company."

And request a similar Committee on the part of the House.

The Council have passed with amendments,

No. 115, H. R. File, "A Bill for the formation of the County of Madison;" also,

No. 125, H. R. File, "A Bill to authorize the raising of Dams on the Des Moines river."

In which I am directed to ask the concurrence of the House.

And then he withdrew.

No. 147, H. R. File, "A Bill to amend an act entitled An act to District the Territory into electoral districts, and to apportion the representation of each,"

Being the order of the day, was referred to a Committee of the Whole House, for the consideration of the same.

And after sometime spent therein, Mr. Speaker resumed the Chair, and Mr. Smyth reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House without amendment.

And then the House adjourned until two o'clock, P. M.

2 O'CLOCK P. M.

The House resumed the consideration of No. 147, H. R., when,

On motion of Mr. Baker,

The Bill was laid on the table.

No. 153, H. R. File, "A bill to provide for taking a census of the Territory in 1844,"

Was read a second time.

A motion was made by Mr. Wilson, to refer the bill to a Select Committee of one from each Electoral District, with instructions to take into consideration the propriety of providing for taking the census by the Township Assessors, and to provide for an extra session of the Legislature in June next: Provided there should be a majority of the people against a State Government.

Which was decided in the negative.

Yeas 9, Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brophy, Foley, Hackleman, Johnson, Nowlin, Rogers, Smyth, Walworth, and Wilson.

Those who voted in the negative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Grimes, Hebard, Mitchell, McCleary, Robb, Roberts, Thompson, Wray, Wright, and Carleton, (Speaker.)

A motion was then made by Mr. Baker, to refer the bill to a Select Committee of one from each Electoral District, with instructions to provide for taking the census by township or precinct Assessors, and to provide for holding an extra session of the Legislative Assembly, for the purpose of apportioning the members of the Council and House of Representatives among the several counties of this Territory.

Pending which,

A motion was made by Mr. Walworth, to include the following in said instructions:

Provided, That no charges shall hereafter be brought against this Territory, or future State of Iowa, for defraying the expenses of said extra session.

Which was agreed to—all the members voting therefor, except Messrs. Foley and Wilson.

The question was then taken on the adoption of Mr. Baker's motion as amended.

An decided in the affirmative.

Yeas 18—Nays 7.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Bonney Brierly, Borland, Culbertson, Fay, Grimes, Hebard, Johnson, Mitchell, McCleary, Robb, Smyth, Thompson, Walworth, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Brophy, Foley, Hackleman, Nowlin, Roberts, Rogers, and Wilson.

Whereupon, Messrs. Baker, Bonney, Hackleman, Wilson, Culbertson, McCleary, Fay, Walworth, Mitchell, Brophy, Foley, and Nowlin, were appointed said Committee.

No. 148, H. R. File, "A Memorial to Congress, asking for a change of the law relative to the intercourse with the Indians,"

Was read a second time, and,

On motion of Mr. Hebard,

The 42d rule was suspended, and the Memorial read a third time, and passed.

No. 156, H. R. File "A Bill to authorize the Judge of Probate of Linn county to make a record of the proceedings of said Court,"

Was read a second time.

On motion of Mr. Smyth,

Ordered, That the bill be engrossed and read a third time to-morrow.

No. 151, H. R. File "A Bill for assessing a Territorial Tax, and for other purposes,"

Was read a second time, and referred to a Committee of the Whole House for the consideration of the same.

And after sometime spent therein, Mr. Speaker resumed the Chair, and Mr. Walworth reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

The House concurred in the report of the Committee.

On motion of Mr. Baker,

Ordered, That the 42d rule be suspended, and the bill be read a 3d time now.

The bill was then read a third time, and passed.

No. 115, H. R. File "A Bill for the formation of the county of Madison,"

Being returned from the Council with amendments, they were considered, and all concurred in, except the striking out of the following section, to wit:

Sec. 12. The Court House at Fort Madison shall not be sold by the County Commissioners of said county, nor by their authority, for the space of eighteen months from and after the date hereof.

Which was disagreed to.

Yeas 6, Nays 19.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Culbertson, Robb, Roberts, and Wray.

Those who voted in the negative, are

Messrs. Bonney, Borland, Brophy, Fay, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Rogers, Smyth, Thompson, Walworth, Wilson, Wright, and Carleton, (Speaker.)

No. 125, H. R. File, "A Bill to provide for the raising of Dams in the Des Moines river, as amended by the Council, was concurred in.

No. 152, H. R. File, "A Bill to incorporate the Wapespinicon Bridge Company,"

Was read a second time.

A motion was made by Mr. Smyth, to strike out Sec. 7, and insert the following:

A toll is hereby granted and established for the benefit of said corporation, not to exceed the rates following, to wit: For each horse and rider, twelve and a half cents; for each sleigh, sled, cart, wagon, or other vihicle, drawn by one beast, the sum of eighteen and three-fourth cents; for each sleigh, sled, cart, wagon, or other vehicle, drawn by two beasts, the sum of twenty-five cents; for each additional beast, beyond two, in any sleigh, sled, cart, wagon, or other vehicle, the sum of six and a fourth cents; For droves of neat cattle, horses, mules, and asses, the sum of four cents each; for sheep and swine, two cents each.

Which was not agreed to.

The rule was then suspended, and the bill read a third time.

And the question being put, Shall the bill pass?

It passed in the affirmative.

Yeas 15—Nays 7.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Borland, Grimes, Hebard, Johnson, Mitchell, McCleary, Robb, Smyth, Thompson, Walworth, Wilson, Wray, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Brophy, Culbertson, Fay, Foley, Hackleman, Rogers, and Wright.

No. 59, C. F. "A Bill to legalize the acts of Geo. H. Jennison, an acting Justice of the Peace in Jefferson county,"

Was read a second time, and ordered to be read a third time tomorrow.

No. 47, C. File, "Joint Resolutions relative to the University Lands of Iowa Territory,"

Were read a second time.

A motion was made by Mr. Smyth, to strike out the name of Alfred Hebard, of Des Moines, and insert that of Samuel W. Durham, of Linn.

Which was agreed to.

On motion of Mr. Bonney,

Ordered, That the resolutions be laid on the table.

No. 57, C. F. "A Joint Resolution, relative to the republication of a certain act,"

Was read a second time.

A motion was made by Mr. Hackleman, to strike out all after the word "published,"

Which was agreed to.

A motion was made by Mr. Grimes, to suspended the rules for the time being for the purpose of reading the resolution a third time now.

Which was not agreed to.

Yeas 14—Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Borland, Culbertson, Foley, Grimes, Hackleman, Hebard, Johnson, Robb, Smyth, Thompson, Walworth, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Baker, Bonney, Brophy, Fay, Mitchell, McCleary, Rogers, and Wray.

Two-thirds not voting therefor, the rules were not suspended.

Ordered, That the Resolution be read a third time to-morrow.

On motion of Mr. Mitchell,

The House adjourned until to-morrow morning at 9 o'clock.

Tuesday Morning, February 13, 1844.

A Message from the Council, by Mr. Wallace, their Secretary

Mr. Speaker:

I herewith present, for your signature,

An act to abolish imprisonment for debt;

An act to amend certain acts relating to Roads and Highways;

An act to vacate a part of the town of Parkhurst;

An act to locate a Territorial Road from Keosauqua, in Van Buren county, to the western line of Appanoose county;

I herewith return

An act to locate a Territorial Road from Iowa City, to the Seat of Justice of Mahaska county.

An act to locate a Territorial Road from Deed's Mills, in Jefferson county, to Crippen's Mill, in Washington county;

An act for the relief of Geo. W. Cummins;

An act to locate a Territorial Road from Wilson's Mill, in Henry county, to Glasgow, in Jefferson county;

An act to lay out a Territoriat Road from Delhi, in Delaware county, to Cascade, in Dubuque county;

An act to legalize the location of a Territorial Road from Bellview to Iowa City;

An act to organize the county of Wapello;

An act to vacate a part of the town of Solon, in Johnson county;

An act to legalize Deeds and other instruments of writing;

Joint Resolutions relative to Mail Routes No. 4228 and 4506.

The Council have concurred in the amendment of the House to the amendment of the Council to the 16th section of

No. 54, H. R. File, "A Bill amendatory of an act entitled 'An act to provide for the election of Justices of the Peace,'" &c.

The Council have passed, with amendments,

No. 29, H. R. File, "A Bill to organize the county of Davis, and to provide for the location of the Seat of Justice thereof.

The Council have also passed

No. 65, C. F. "Joint Resolutions, authorizing Iowa City Fire Company No. 1, to occupy one room in the basement story of the Capitol.

Also, without amendment,

No. 75, H. R. File, "A Bill to define lawful fences."

No. 122, H. R. File, "A Bill to authorize the County Commissioners of Henry county, to vacate a part of Webster street in the town of Mt. Pleasant

No. 128, H. R. File, "An act amendatory of an act entitled an act to regulate Conveyances," &c.

No. 139, H. R. File, "An act to form a fourth Judicial District."

No. 141, H. R. File, "A Bill to legalize the acts of John Peterson as Justice of the Peace.

No. 143, H. R. File, "A Bill to lay out a Territorial Road from J. H. Jenkins' in Linn county, in a direction to the city of Dubuque."

And then he withdrew.

The Speaker signed the acts presented for his signature.

Mr. Fay presented the petition of sundry citizens of Muscatine county, praying the location of a Territorial Road from Muscatine creek, via Moscow, to Marion, in Linn county.

Ordered, That said petition do lie upon the table.

Mr. Hackleman presented the accounts of various newspaper publishers for papers furnished the members of the House.

Also, the accounts of the several persons appointed at the session, as pro tem officers.

Ordered, That said accounts be referred to the Committee on Expenditures.

On motion of Mr. Bonney,

Resolved, That James M. Wray be allowed pay as a messenger of the House, from the 4th day of December, 1843, to the 16th day of January, 1844.

Mr. Fay, on leave being granted, introduced

No. 157, H. R. File, "A Bill to locate a Territorial Road, from Musquito creek, in Muscatine county via Moscow, in said county, to Hector Sterrett's, in Cedar county."

Which was read a first time.

On motion of Mr. Fay,

Ordered, That the rules be suspended, and that the bill be read a second and third time now.

The Bill was then read a second and third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

A motion was made by Mr. Wilson, to reconsider the vote disagreeing to the amendment of the Council to

No. 115, H. R. File "A Bill for the formation of the county of Madison,"

Which passed in the negative.

Yeas 10—Nays 14.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Culbertson, Hackleman, Robb, Roberts, Thompson, Wilson, Wray, and Wright.

Those who voted in the negative are

Messrs. Bonney, Borland, Brophy, Fay, Foley, Grimes, Johnson, Mitchell, McCleary, Nowlin, Rogers, Smyth, Walworth, and Carleton, (Speaker.)

Mr. Robb from the Committee on Enrolled Bills, reported, as correctly enrolled.

An act to punish the obstructing Public roads, &c.

A Bill to amend an act entitled an act to establish a ferry across the Mississippi in this Territory, approved, Jan. 18th, 1838."

An act to locate and establish a Territorial from Brighton in Washington county."

An act to perfect the collection of Taxes in Louisa county.

An act to incorporate the Mount Pleasant Lyceum.

An act authorizing the raising of dams on the Des Moines river.

An act to incorporate the Washington Lyceum of Jackson county.

The Speaker signed said acts.

Mr. Baker from the Select Committee to which was referred,

No. 153, H. R. File, "A bill to provide for taking a census of the Territory in 1844,"

Reported the same back with amendments,

Which were read a first time.

Mr. Walworth, from the Select Committee appointed on the subject, reported

No. 158, H. R. File, "A Bill to divide the counties of Cedar, Linn and Jones, into two Representatives Districts."

Which was read a first time.

Mr. Smyth, from the same Committee, made a report adverse to said bill, as follows:

The undersigned, one of the Select Committee, to whom was referred the petition of 123 citizens of Linn county, praying that the eighth Electoral District, composed of the counties of Cedar, Jones, and Linn, may be so divided that the counties of Cedar and Jones shall form one Representative District, and the county of Linn shall form the other Representative District, and together shall elect one member to the Council, begs leave to make the following report:

That in his opinion, it is inexpedient to grant the prayer of the petitioners for the following reasons, to wit:

The mutual arrangements heretofore have been such, that each of the counties have had a member of the Council or House resident therein, and that by a division, such would not be the case; but either the counties of Cedar and Jones would have one member to the House and the member to the Council, thus having three-fourths of the representation, although only half the population, and the county of Linn but one-fourth, to which she has submitted for the two last years, or the county of Linn would have the member to the Council and one to the House—thus having three-fourths of the resident representation, and giving the counties of Cedar and Jones but one representative, thus depriving one of the counties of a resident representative—a thing which none of said counties have ever heretofore been without.

The undersigned, therefore, believes that the present arrangement is much better, and more satisfactory, than any change this House could make; and as he did not come here to represent a part of said District, but the whole; and although a resident of Linn county, yet he cannot agree to anything that would deprive the counties of Cedar and Jones each to a member in the Legislative Assembly.

It was also well known that he was personally opposed to a division of the district, but gave them assurances that if a majority would ask for it, he would endeavor to obtain such division, although he believed it would not be to their advantage. No such instructions being given, and the separation being asked for by only a very small portion of the citizens of one of the three counties, he is persuaded that the citizens of the district do not desire such division.

He is also aware, that very many are positively opposed to any interference with our present arrangement.

For these reasons, together with the probability that we may, ere long, become a State, and have a different apportionment, he would respectfully solicit this House not to divide said District.

ROBERT SMYTH.

Mr. Mitchell, from the Select Committee to which was referred

No. 145, H. R. File, "A Bill to amend an act entitled an act, concerning Grand and Petit Jurors, approved, Jan. 4th. 1839."

Reported the same back without amendments.

Mr. Mitche on leave, introduced

No. 159, H. .. File, "A Bill to amend an act entitled an act, to incorporate the of town Davenport."

On motion of Mr. Mitchell,

Ordered, That a Committee of Conference be appointed to confer with a similar Committee appointed by the Council relative to the disagreeing vote of the two Houses on,

No. 30, C. File, "A Bill to incorporate the Wappesipinicon Mill Company."

Whereupon, Messrs. Mitchell and Nowlin, were appointed said Committee.

No. 64, H. R. File, "A Bill authorizing the Territorial Agent to sell lots in Iowa City to discharge the debt due the Miners' Bank of Dubuque,"

As amended by the Select Committee, was concurred in.

The question then being on fixing the salary of the Territorial Agent at $400.

It was agreed to.

Yeas 14, Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Brophy, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Robb, Rogers, Walworth, Wilson, Wray and Carleton (Speaker.)

Those who voted in the negative, are

Messrs. Bonney, Brierly, Borland, Culbertson, Fay, Foley, Nowlin, Roberts, Smyth, and Wright.

On motion of Mr. Johnson,

Ordered, That the bill be engrossed and read a third time now.

The Bill was then read a third time and passed.

No. 154, H. R. File, "A Joint Resolution, to provide for the printing of the act amendatory to the Justices law."

Was read a second time, and,

On motion of Mr. Fay,

Laid on the table.

No. 156, H. R. File, "A Joint Resolution to provide for the printing of the laws."

Were read a second time.

A motion was made by Mr. Carleton to strike out the words "James Clarke, publisher of the Iowa Territorial Gazette," and to insert the words "Hughes and Williams, publishers of the Capital Reporter."

A Division of the question was called for, first on striking out—and being put;

Was decided in the negative.

Yeas 10, Nays 14.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Roberts, Smyth, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell,

McCleary, Nowlin, Robb, Rogers, Walworth, Wilson, Wray, and Wright.

On motion of Mr. Rogers,

The rule was suspended, and the Resolution was read a third time and passed.

No. 156, H. R. File, "A Bill to authorize Boards of County Commissioners to vacate town plats."

Was read a second time, and,

On motion of Mr. Bonney,

The 42d, rule was suspended and the bill read a third time and passed.

No. 55, C. F. "A Bill to authorize Sheriffs to make and execute deeds for land sold on execution under the redemption law."

Was read a second time.

And after being slightly amended, the rule was suspended, and the bill was read a third time and passed.

No. 60, C. File. "A Bill to change the names of the counties of Appanoose and Kishkakosh."

Was read a second time, and,

On motion of Mr. Bonney,

The consideration was postponed until the first Monday in August.

Yeas 17, Nays 7.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Hackleman, Hebard, Johnson, Mitchell, Roberts, Rogers, Smyth, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Foley, Grimes, McCleary, Nowlin, Robb, Walworth, and Wilson.

No. 61, C. F. "A Bill to amend the several acts incorporating the town of Fort Madison, and,

No. 63, C. F. "An act to re-locate a part of the Territorial Road running from Fort Madison to Iowaville, on the Des Moines river."

Were severally read a second time, and,

Ordered to be read a third time to-morrow.

No. 62, C. F. "A Bill to legalize a road from Denson's Ferry, in Cedar county, to the southern boundary of said county;"

Was read a second time, and,

On motion of Mr. Fay,

The 42d rule was suspended and the bill read a third time and passed.

The following bills, to wit:

No. 10, H. R. File, "A Bill to provide for and regulate writs of error *coram nobis.*

No. 149, H. R. File, "A Bill granting license to pedllars."

No. 150, H. R. File "A Bill to authorize the Judge of Probate of Linn county to make a record of the proceedings of said Court,"

No. 57, C. F. "A Joint Resolution relative to the republication of a certain act."

No. 59, C. F. "A Bill to legalize the acts of Geo. H Jennison, an acting Justice of the Peace.

No 65, C. F. "A Joint Resolution authorizing the Iowa City Fire Company No. 1 to occupy one room in the basement of the Capitol."

Were severally read a third time and passed.

Ordered, That the Council be informed accordingly.

No. 146, H. R. File, "A Bill to legalize the acts of Justices of the Peace in certain cases."

Was read a third time.

And the question being put, Shall the bill pass?

It passed in the affirmative.

Yeas 13—Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Brierly, Culbertson, Grimes, Hebard, Mitchell, McCleary, Nowlin, Robb, Roberts, Smyth, Wilson, Wray and Wright.

Those who voted in the negative are,

Messrs. Baker, Bonney, Borland, Brophy, Fay, Foley, Hackleman, Johnson, Rogers, and Carleton (Speaker.)

No. 29, H. R. File, "A Bill to organize the county of Davis, and to provide for the location of the Seat of Justice thereof;"

Being returned from the Council with amendments,

A motion was made by Mr. Bonney, to disagree to the striking out the name of John Rager and inserting the name of David Laughry;

Which was carried.

No. 111, H. R. File, "A Bill to amend an act entitled 'An act concerning costs and fees,'"

Was referred to a Committee of the Whole House for the consideration of the same.

And after sometime spent therein, Mr. Speaker resumed the Chair, and Mr. Bonney reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

And then the House adjourned until two o'clock, P. M.

2 O'CLOCK P. M.

The House resumed the consideration of

No. 111, H. R. File, and the amendments of the Committee of the Whole House were concurred in.

A motion was made by Mr. Brophy, to add the following to sec. 7.

And each witness for a day's attendance before the District Court, in criminal cases, shall be allowed $1.00

Attendance before Justices' Court, 50

Which was agreed to.

Yeas 18, Nays 5.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Borland, Brophy, Grimes, Hebard, Johnson, Mitchell, Nowlin, Robb, Roberts, Rogers, Smyth, Thompson, Wilson, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Bonney, Culbertson, Fay, Hackleman, and McCleary.

A motion was made by Mr. Baker, to add the following section, viz:

That all laws heretofore passed, which require officers, jurors, or witnesses to serve without fee, except in cases where the prisoner is found guilty, be, and the same are hereby, repealed.

Which was disagreed to.

Yeas 11—Nays 13.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Bonney Brierly, Borland, Brophy, Culbertson, Johnson, McCleary, Rogers, Wray, and Wright.

Those who voted in the negative are,

Messrs. Fay, Grimes, Hackleman, Hebard, Mitchell, Nowlin, Robb, Roberts, Smyth, Thompson, Walworth, Wilson, and Carleton, (Speaker.)

A motion was made by Mr. Rogers, to strike out the following sec.

That from and after the passage of this act, the Territory shall, in no case, pay any costs for any criminal prosecution hereafter had, whether the prosecution fails or not.

Which was decided in the negative.

Yeas 9—Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brophy, Culbertson, Fay, Nowlin, Rogers, Smyth, Walworth, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Bonney, Brierly, Borland, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Robb, Roberts, Thompson, Wilson, Wray, and Wright.

The rule was then suspended, and the bill read a third time.

And the question being put, Shall the bill pass?

It passed in the affirmative.

Yeas 14—Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Brophy, Grimes, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Smyth, Thompson, Walworth, Wilson, and Wright.

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Hackleman, Rogers, Wray, and Carleton, (Speaker.)

Mr. Grimes, from the Committee on Corporations, reported

No. 160, "A Bill to revive a certain act herein named,"

Which was read a first time, and the rules suspended and the bill read a second and third time, and passed.

A motion was made by Mr. Fay, to take from the table a motion made some days since to reconsider the vote on the passage of

No. 140, H. R. File, "A Bill to authorize evidence by the oath of parties;"

Which was agreed to.

The question was then put,

Shall the vote on the passage of said bill be re-considered?

It was decided in the negative.

So the bill passed.

No. 145, H. R. File, "A Bill to amend an act entitled 'An act concerning Grand and Petit Jurors;"

Was read a second time.

And the question being put,

Shall the bill be engrossed?

It was decided in the affirmative.

Yeas 17—Nays 7.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Bonney, Brierly, Borland, Culbertson, Fay, Grimes, Hebard, Johnson, Mitchell, McCleary, Robb, Roberts, Smyth, Thompson, Walworth, Wilson, and Wright.

Those who voted in the negative are,

Messrs. Baker, Brophy, Hackleman, Nowlin, Rogers, Wray, and Carleton, (Speaker.)

The rules were then suspended, and the bill read a third time.

And the question being put, Shall the bill pass?

It passed in the affirmative.

Yeas 17, Nays 7.

The Yeas and Nays being desired by two members,

The vote was the same as the above, on the engrossment of the bill.

A motion was made by Mr. Fay, to take from the table the motion made some days since, to reconsider the vote on the adoption of a resolution relative to the pay of the officers.

Which was agreed to.

Yeas 20—Nays 4.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Smyth, Thompson, Wilson, Wray, Wright, andCarleton, (Speaker.)

Those who voted in the negative, are

Messrs. Baker, Roberts, Rogers, and Walworth.

The question was then put,

Shall the vote on the adoption of said resolution be reconsidered?

And was decided in the negative.

Yeas 9, Nays 15.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative are,

Messrs. Bonney, Brophy, Grimes, Hebard, Mitchell, Nowlin, Smyth, Walworth, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Brierly, Borland, Culbertson, Fay, Hackleman, Johnson, McCleary, Robb, Roberts, Rogers, Thompson, Wilson, Wray, and Wright.

No. 153, H. R. File "A Bill to provide for taking the census in 1844,"

Was read a second time.

A motion was made by Mr. Baker, to refer the bill to a Committee of the whole now.

Which was agreed to.

Yeas 18, Nays 7.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Grimes, Mitchell, McCleary, Robb, Roberts, Smyth, Thompson, Walworth, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Foley, Hackleman, Hebard Johnson, Nowlin, Rogers, Smyth and Wilson.

The bill was therefore considered in Committee of the Whole House.

And after a short time,

Mr. Hackleman reported the same back to the House with amendments.

A motion was made by Mr. Rogers, to lay the bill on the table.

Which was decided in the negative.

Yeas 8, Nays 16.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Foley, Hackleman, Hebard, Johnson, Nowlin, Rogers, and Wilson.

Those who voted in the negative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Grimes, Mitchell, McCleary, Robb, Roberts, Thompson, Walworth, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Nowlin, that the House do now adjourn.

Which was not agreed to.

A motion was made by Mr. Fay, that the House adjourn until seven o'clock this evening.

Which was not agreed to.

Yeas 9, Nays 16.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Bonney, Borland, Fay, Hebard, McCleary, Robb, Roberts, Thompson, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Baker, Brierly, Brophy, Culbertson, Foley, Grimes, Hackleman, Johnson, Mitchell, Nowlin, Rogers, Smyth, Walworth, Wilson, Wray, and Wright.

Mr. Baker called for the previous question; and the call being seconded by a majority of the members,

The question was put, Shall the main question be now put?

And was decided in the affirmative.

Yeas 15, Nays 10.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Grimes, Mitchell, McCleary, Robb, Roberts, Thompson, Walworth, Wray, and Wright.

Those who voted in the negative, are

Messrs. Brophy, Foley, Hackleman, Hebard, Johnson, Nowlin, Rogers, Smyth, Wilson, and Carleton, (Speaker.)

The previous question was then put,

Shall the bill be engrossed and read a third time?

And was decided in the affirmative.

Yeas 16, Nays 9.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Foley, Grimes, Mitchell, McCleary, Robb, Roberts, Thompson, Walworth, Wray, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Brophy, Hackleman, Hebard, Johnson, Nowlin, Rogers, Smyth, Wilson, and Wright.

A motion was then made by Mr. McCleary, to suspend the rules for the purpose of reading the bill a third time now.

Which was decided in the negative.

And then,

On motion of Mr. Baker,

The House adjourned until to-morrow morning at 9 o'clock.

Wednesday Morning, February 14, 1844.

Mr. Hackleman presented the account of S. C. Trowbridge, Post Master of Iowa City, for postage of the members, for the present session amounting to $366,67.

Which was referred to the Committee on Expenditures.

Mr. Foley offered the following:

Resolved, That this House will not entertain any action on new business that may come before it after the passage of this Resolution.

A motion was made by Mr. Fay, to lay the Resolution on the table.

Which was decided in the affirmative.

Yeas 13—Nays 11.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Bonney, Borland, Brophy, Culbertson, Fay, Hebard, Johnson, Mitchell, McCleary, Smyth, Thompson, Walworth, and Carleton (Speaker.)

Those who voted in the negative are,

Messrs. Brierly, Foley, Grimes, Hackleman, Nowlin, Robb, Roberts, Rogers, Wilson, Wray and Wright.

Mr. Grimes from the Select Committee to which was referred,

No. 89, H. R. File, "A Bill regulating Marriages and abolishing licenses therefor,"

Reported the same back to the House without amendment.

Mr. Wilson, from the Committee on Roads and Highways to whom was referred the petition of citizens of Scott county, praying for the re-location of a part of a Territorial road therein named, reported that they find ample provision for the prayer of said petitioners in the ninth section of chapter 125 of the law, relative to Roads and Highways, and ask to be discharged from the further consideration of the subject.

The House agreed to the report of the Committee.

Mr. Hackleman from the Committee on Expenditures, reported

No. 161, H. R. File, "Joint Resolutions providing for the payment of certain accounts against the Territory."

Which were read a first time.

On motion of Mr. Hebard,

Ordered, That said Resolutions do lie upon the table.

A motion was made by Mr. Nowlin to take from the table a Joint Resolution relative to printing the act amending the law providing for the election of Justices of the peace, &c.

Which was decided in the negative.

Yeas 10—Nays 15.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Brophy, Foley, Hebard, Johnson, Nowlin, Robb, Rogers, Thompson, Wilson and Wright.

Those who voted in the negative are,

Messrs. Baker, Bonney, Borland, Culbertson, Fay, Grimes, Hackleman, Mitchell, McCleary, Roberts Smyth, Thompson, Walworth, Wray, and Carleton [Speaker.]

A motion was made by Mr. Grimes, to reconsider the vote, to lay

No. 161, H. R. File, "Joint Resolutions providing for the payment of certain accounts against the Territory," laid on the table.

Ordered, That the Resolutions be referred to the Committee on Expenditures.

Mr. Mitchell, on leave being granted, introduced

No. 162, H. R. File, "Memorial to the Post Master General, asking for additional Mail facilities."

Which was read a first time.

On motion of Mr. Nowlin,

Ordered, That the Rules be suspended and the Memorial be read a second and third time now,

The Memroial was then read a second and third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

A motion was made by Mr. Hebard, that the rules be suspended in order to take from the table,

No. 47, C. F. "Joint Resolutions relative to the University Lands of Iowa Territory.

Which passed in the affirmative.

Yeas 13—Nays 9.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Robb, Rogers, Smyth, Wilson, Wray, Wright and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Bonney Brierly, Borland, Culbertson, Fay, McCleary, Roberts, Thompson, and Walworth.

So the Resolution was taken from the table.

On motion of Mr. Rogers,

Ordered, That the House resolve itself into a Committee of the Whole House on said Resolutions.

And after sometime spent therein, Mr. Speaker resumed the Chair, and Mr. Wilson reported, that the Committee had, according to order, had said Resolutions under consideration, and directed him to report the same to the House with amendments.

A Message from the Council, by Mr. Wallace their Secretary,

Mr. Speaker:

I herewith present for your signature,

An act to revive an act entitled an act to review and establish a part of a Territorial Road leading from Fort Madison in Lee county to Iowaville in Van Buren county.

An act to change a part of a Territorial Road, running from Burlington to the mouth of the Des Moines river.

An act to incorporate the Iowa City Manufacturing Company.

An act donating to the Baptist Church of Iowa City a certain lot of ground therein named.

An act relative to the town plat of Fredonia in Louisa county.

Joint Resolution for the relief of F. M. Irish.

I herewith return,

An act to perfect the collection of taxes in Louisa county.

An act to form a fourth Judicial District.

An act to authorize the County Commissioners of the county of Henry, to vacate a part of Webster street in the town of Mt. Pleasant, in said county.

An act declaring a certain Road therein named a public highway.

An act to authorize the raising of dams on the Des Moines river.

An act to amend an act entitled an act to establish a ferry across the Mississippi river in this Territory.

An act to locate and establish a Territorial Road from Brighton, in Washington county, to intersect the road leading from Mt. Pleasant to Washington, in Washington county.

An act to incorporate the Washington Lyceum of Jackson county.

An act to incorporate the Mount Pleasant Lyceum.

An act amendatory of an act entitled 'An act to provide for the election of Justices of the Peace,'" &c.

An act to punish the obstructing Public roads, &c.

An act to define lawful fences and to restrain trespassing animals.

The Council have passed,

No. 45, C. F. "A Bill to amend an act entitled an act establishing the prices of public printing.

No. 67, C. F. "An act to amend an act entitled an act relative to Coroners and their duties, approved, Dec. 23, 1839."

No. 68, C. File, "A Bill to amend an act entitled an act to provide for the election of Justices of the Peace," &c.

Also, with amendments,

No. 77, H. R. File, "An act amendatory of an act subjecting real and personal estate to execution."

No. 34, H. R. File, "A Bill amendatory of an act, entitled 'An act to organize, discipline, and govern the Militia of this Territory, approved July 31, 1840.'"

Also, with amendments,

No. 11, H R. File, "A Bill to provide for assessing and collecting Public Revenue."

Also, without amendment,

No. 30, H. R. File, "A Bill to enable settlers on public lands to recover value for their improvements."

No. 98, H. R. File, "A Bill to establish a Seminary of Learning at De Witt, in Clinton county."

No. 104, H. R. File, "An act to amend an act entitled 'An act to establish a Seminary of Learning in Louisa county."

No. 131, H. R. File, "An act for the relief of George Andrews."

No. 136, H. R. File, "A Bill to authorize the President and Trustees of the town of Bellview to License Merchants and Grocers."

No. 137, H. R. File, "An act to amend the Militia Law, so as to form a fourth Division."

No. 150, H. R. File, "An act to authorize the Judge of Probate of

Linn county to make a record of the proceedings of said Court."

No. 156, H. R. File, "A Bill to authorize Boards of County Commissioners to vacate town plats."

No. 157, H. R. File, "A Bill to locate a Territorial Road, from Musquito creek, in Muscatine county via Moscow, in said county, to Hector Sterrett's, in Cedar county;" and,

No. 148, H. R. File, "A Memorial to Congress, asking for a change of the law relative to the intercourse with the Indians."

I herewith present for your signature—

An act relative to the town plat of Fredonia, in Louisa county."

An act to legalize a road from Denson's Ferry, in Cedar county, to the southern boundary of said county;"

An act to legalize the acts of George H. Jennison, an acting Justice of the Peace, in Jefferson county.

An act to authorize Sheriffs to make and execute deeds for land sold on execution under the redemption law.

Joint Resolution relative to the re-publication of a certain act.

Joint Resolutions, authorizing Iowa City Fire Company No. 1, to occupy one room in the basement story of the Capitol.

Mr. Robb, from the Committee on Enrolled Bills, reported

An act amendatory of an Act to organize, discipline, and govern the Militia of this Territory, Approved July 31st, 1840.

An act to lay out a Territorial Road from J. H. Jenkins, in Linn county, in a direction to the city of Dubuque;

An act to legalize the acts of John Peterson as Justice of the Peace;

An act amendatory of an act entitled 'An act to regulate Conveyances, approved Feb. 16, 1843,' as correctly enrolled.

The Speaker then signed the said acts.

The House then resumed the consideration of the amendments made by Committee of the whole to No. 47, C. F.

A motion was made by Mr. Nowlin, that the blank be filled by inserting the name of Alfred L. Brown.

To which the House agreed.

A motion was made by Mr. Wilson, to strike out the name of Uriah Biggs, and insert the name of Samuel D. Woodworth.

Which passed in the negative.

Yeas 9, Nays 15.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Bonney, Borland, Culbertson, Fay, McCleary, Robb, Smyth, Thompson, and Wilson.

Those who voted in the negative are,

Messrs. Brierly, Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, Nowlin, Roberts, Rogers, Walworth, Wray, Wright, and Carleton, (Speaker.)

Mr. Speaker made a motion to insert the name of Cyrus Sanders.

The motion was lost.

Ordered, That the 42d rule be suspended, and the Joint Resolutions be read a third time now.

The Resolutions were then read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

A motion was made by Mr. Baker, to suspend the rules, in order to take up

No. 153, H. R. File, "A Bill to provide for taking the census, and an extra session of the Legislative Assembly."

Which passed in the affirmative.

Yeas 16, Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Grimes, Mitchell, McCleary, Roberts, Smyth, Thompson, Walworth, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Brophy, Foley, Hackleman, Hebard, Johnson, Nowlin, Rogers, and Wilson.

The bill was then read a third time.

A motion was made by Mr. Wilson, to indefinitely postpone the consideration of said bill.

Which passed in the negative.

Yeas 9, Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Brophy, Hackleman, Hebard, Johnson, Nowlin, Rogers, Smyth, Walworth, and Wilson.

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Foley, Grimes, Mitchell, McCleary, Robb, Roberts, Thompson, Wray Wright, and Carleton, (Speaker.)

Mr. Fay then called for the previous question.

And the question being put, Shall the main question be now put? Was decided in the affirmative.

Yeas 16, Nays 9.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Grimes, Mitchell, McCleary, Robb, Roberts, Thompson, Walworth, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Brophy, Foley, Hackleman, Hebard, Johnson, Nowlin, Rogers, Smyth, and Wilson.

The question then recurred upon the passage of the bill.

Which was decided in the affirmative.

Yeas 17, Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Foley, Grimes, Mitchell, McCleary, Nowlin, Robb, Roberts, Thompson, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Brophy, Hackleman, Hebard, Johnson, Rogers, Smyth, Walworth, and Wilson.

So the bill passed, and its title was agreed to.

Mr. Nowlin moved a reconsideration of said vote.

A motion was made by Mr. Hackleman, to lay the motion to reconsider upon the table.

Which passed in the negative.

Yeas 8—Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Brophy, Foley, Hackleman, Hebard, Nowlin, Rogers, Smyth, and Wilson.

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Grimes, Mitchell, McCleary, Robb, Roberts, Thompson, Walworth, Wray, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Bonney, to suspend the rules, in order to introduce a resolution.

Which was decided in the negative.

No. 34, H. R. File, "A Bill amendatory of an act entitled 'An act to organize, discipline, and govern the Militia of this Territory, approved July 31, 1840, as amended by the Council, was taken up and considered.

Ordered, That the House concur in the amendments of the Council.

No. 77, H. R. File, "An act amendatory of an act, subjecting real and personal estate to execution, as amended by the Council was taken up.

And the question being put, Will the House agree to the amendment of the 8th section of said bill.

Was decided in the affirmative.

Yeas 12—Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Bonney, Borland, Grimes, Johnson, McCleary, Nowlin, Robb, Rogers, Smyth, Thompson, Walworth, and Wilson.

Those who voted in the negative, are

Messrs. Brierly, Brophy, Culbertson, Fay, Hackleman, Mitchell, Roberts, Wray, Wright, and Carleton, (Speaker.)

The question was then taken on concurring with the Council in the additional section to said bill, and passed in the negative.

Yeas 7—Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Bonney, Borland, McCleary, Nowlin, Robb, Rogers, and Smyth.

Those who voted in the negative are,

Messrs. Brierly, Brophy, Culbertson, Fay, Foley, Grimes, Hackleman, Johnson, Mitchell, Roberts, Thompson, Wilson, Wray, Wright, and Carleton, (Speaker.)

And then the House adjourned until two o'clock, P. M.

2 O'CLOCK P. M.

No. 68, C. File, "A Bill to amend an act entitled 'An act to provide for the election of Justices of the Peace,'"

Was read a first time.

On motion,

Ordered, That the rules be suspended, and the bill be read a second time now.

The bill was then read a second time.

On motion,

Ordered, That said bill be referred to the delegation from Van Buren.

On motion of Mr. Thompson,

Ordered, That the rules be suspended that he might make a report. Whereupon, Mr. Thompson reported back

No. 142, H. R. File, "A Bill to amend an act entitled An act defining Crimes and Punishments, approved 16th Feb. 1843, with amendments.

On motion,

Ordered, That the rule be suspended, and the bill be read a third time now.

The bill was then read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Thompson, from the Judiciary Committee, also reported back to the House

No. 76, H. R. File, "A Bill to amend an act entitled 'An act subjecting real and personal estate to execution," and recommended that said bill be indefinitely postponed.

To which the House agreed. Also,

No 28, C. F. "A bill to amend an act entitled 'An act subjecting real and personal estate to execution," and recommend that said bill be indefinitely postponed.

No. 11, H R. File, "A Bill to provide for assessing and collecting Public Revenue," as amended by the Council, was taken up, and the question being taken on concurring in the 1st amendment of the Council,

Was decided in the affirmative.

Yeas 12—Nays 9.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, John-

son, McCleary, Nowlin, Roberts, Smyth, and Wray.

Those who voted in the negative, are

Messrs. Brophy, Foley, Grimes, Hackleman, Mitchell, Robb, Thompson, Wright, and Carleton, (Speaker.)

The question was then put,

Will the House agree to the 2d amendment of the Council to said bill?

And decided in the affirmative.

Yeas 13—Nays 9.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Johnson, McCleary, Nowlin, Roberts, Smyth, Wray, and Wright.

Those who voted in the negative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Mitchell, Robb, Thompson, Walworth, and Carleton (Speaker.)

No. 45, C. F. "A Bill to amend an act entitled an act establishing the prices of public printing.

No. 67, C. F. "An act to amend an act entitled an act relative to Coroners and their duties, approved, Dec. 23, 1839."

Were severally read a first time.

No. 158, H. R. File, "An act to provide for the election of one member of the House of Representatives from Linn county, and one from the counties of Cedar and Jones.

Was read a second time.

A motion was made by Mr. Smyth, that said bill be indefinitely postponed.

Which passed in the affirmative.

A Message from the Council, by Mr. Wallace, their Secretary,

Mr. SPEAKER:

I am directed to inform the House, that the Council have passed,

No. 70, C. F. "Joint Resolution relative to a certain Mail Route."

No. 162, H. R. File, "Memorial to the Post Master General, asking for additional Mail facilities."

No. 41, C. F. "A Bill to change the name of the town of Hartford, in Van Buren county."

No. 56, C. F. "An act amendatory of the several acts regulating the election and duties of Sheriffs;"

An act to restore James Meredith to the rights of citizenship.

Also, with amendments,

No. 155, H. R. File "Joint Resolution to provide for the printing of the laws."

No. 123, H. R. File, "A Bill to repeal certain acts therein named."

I herewith return eight bills, and one Memorial to Congress, the same having been signed by the President Council."

And then he withdrew.

No. 159, H. R. File, "A Bill to amend an act entitled 'An act to incorporate the town of Davenport."

No. 63, C. F. "A Bill to re-locate a part of the Territorial Road from Fort Madison to Iowaville, on the Des Moines river.

No. 61, C. F. "A Bill to amend the several acts incorporating the town of Fort Madison,"

Were, upon a suspension of the rules, severally read a first, second, and third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Bonney, from the Select Committee to whom was referred

No. 68, C. File, "A Bill to amend an act entitled an act to provide for the election of Justices of the Peace," &c.,

Reported the same back to the House with amendments;"

Which was read a second and third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 70, C. File, "Joint Resolutions relative to a certain Mail Route,"

Was read a first time.

On motion of Mr. Rogers,

Ordered, That rules be suspended, and the resolutions be read a second time now.

On motion of Mr. Smyth,

Ordered, That the word "and" between the words "Springfield and Marion" be stricken out, and the words "Franklin and Solon" be inserted.

The Resolutions were then read a third time, and passed.

Ordered, That the Clerk acquaint the Council accordingly.

No. 54, C. F. "An act to amend an act entitled 'An act to provide for the annual organization of the Council and House of Representatives,"

Was read a first time.

A motion was made by Mr. Brophy, that the rules be suspended, and that the bill be read a second time now.

The motion was lost.

No. 29, H. R. File "A Bill to organize the county of Davis, and to provide for the location of the Seat of Justice thereof, in which the House disagree to the amendments of the Council, was taken up.

On motion of Mr. Bonney,

Ordered, That the House adhere to their disagreeing vote, and that a Committee of Conference be appointed on the part of House.

Messrs. Bonney and Brierly were appointed said Committee.

Mr. Bonney offered the following:

Resolved, That the Clerk of this House be ordered to forthwith give notice to the Council of the passage of

No. 153, H. R. File, "A Bill for an act to provide for taking the census, and an extra session of the Legislative Assembly of the Territory.

A motion was made by Mr. Nowlin, to postpone said resolution.

Which passed in the negative.

Yeas 8—Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Brophy, Foley, Hackleman, Hebard, Nowlin, Rogers, Smyth, and Walworth.

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Grimes, Mitchell, McCleary, Robb, Roberts, Thompson, Wray, Wright, and Carleton, (Speaker.)

The question then recurred on the adoption of the resolution,

Which passed in the affirmative.

Yeas 17—Nays 7.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Bonney Brierly, Borland, Brophy, Culbertson, Fay, Foley, Grimes, Mitchell, McCleary, Robb, Roberts, Thompson, Wray, Wright and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Hackleman, Hebard, Johnson, Nowlin, Rogers, Smyth, and Walworth.

Mr. Walworth presented the petition of sundry citizens of Jones county, praying the location of a Territorial Road from Rome, in Jones county, to the Rapids on the Wapesipinicon river.

Referred to the delegation from Cedar, Jones, and Linn.

Mr. Rogers presented the remonstrance of sundry citizens of Delaware county, remonstrating against the passage of any law detaching any portion of their county, for the purpose of forming another county.

Ordered, That said remonstrance be referred to the Committee on Township and County Boundaries.

Mr. Walworth, on leave being granted, introduced

No. 163, H. R. File, "A Bill to lay out a Territorial Road from Rome, in Jones county, to the rapids on the Wapesipinicon river."

Which was read a first time.

Ordered, That the rules be suspended, and the bill be read a second and third time now.

The Bill was then read a second and third time and passed.

Ordered, That the Clerk acquaint the Council accordingly.

Mr. Smyth presented the report of the School Commissioners of Linn county.

Ordered, That the Report be referred to the Committee on Common Schools.

No. 152, H. R. File "A Bill to incorporate the Wapesipinicon Bridge Company" as amended by the Council, was considered, and the amendment of the Council, amended by striking out "one," and inserting "two" in the 12th. section.

Mr. Baker offered the following:

Resolved, That the editors of the Iowa Capital Reporter, be, and they are hereby requested, to print in pamphlet form, forty copies of an act, passed at the present session, entitled an act, to organize the

counties of Keokuk and Mahaska, for the use of the House, to be distributed in said counties.

On motion of Mr. Rogers,

Ordered, That said Resolution do lie upon the table.

On motion of Mr. Grimes,

Ordered, That a Committee of Conference be appointed to confer with a similar Committee on the part of the Council, relative to the disagreeing vote of the two Houses, on,

No. 77, H. R. File, "An act amendatory of an act subjecting real and personal estate to execution.

Messrs. Grimes and Thompson were appointed said Committee.

Mr Hackleman presented the account of Hughes and Williams.

Ordered, That said account be referred to the Committee on Expenditures.

Mr. Foley gave notice, that he would, on to-morrow, move to rescind the 31st, rule of this House.

No. 41, C. File, "A Bill to change the name of the town of Hartford, in Van Buren county."

Was read a first time.

On motion of Mr. Borland,

Ordered, That the Rules be suspended and the Bill be read a second and third time now,

The Bill was then read a second and third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 56, C. File, "An act amendatory to the several acts regulating the election of Sheriffs."

Was read a first time.

A motion was made by Mr. Grimes, that the rule be suspended, and the Bill be read a second and third time now.

Which passed in the negative.

Yeas 11, Nays 11.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Culbertson, Fay, Grimes, Mitchell, Robb, Smyth, Thompson, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Bonney, Brierly, Borland, Brophy, Hackleman, Hebard, Johnson, McCleary, Rogers, Walworth, and Wray.

No. 69, C. F. "A Bill declaring the streets and alleys on the plat of Iowa City, public highway, and for other purposes."

Was read a first time.

Ordered, That the rule be suspended and the Bill be read a second and third time now,

The Bill was then read a second and third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 10, H. R. File, "An act to provide for, and regulate writs of error, *coram nobis*,"

As amended by the Council was taken up, and considered.

Ordered, That the amendments made by the Council be concurred in.

On motion of Mr. Hackleman,

Ordered, That the House take a recess of half an hour.

After which time,

Mr. Grimes made a motion to take up,

No. 89, H. R. File, "A Bill concerning Marriages and abolishing licenses therefor,"

To which the House agreed.

A motion was made by Mr. Wilson, that the House resolve itself into a Committee of the whole on said bill.

The motion was lost.

On motion of Mr. Nowlin,

Ordered, That said bill be referred a Select Committee.

Messrs. Nowlin, Thompson and Smyth, were appointed said Committee.

Mr. Rogers moved that the House adjourn.

The motion was lost.

No. 71, C. File, "An act to restore James Meredith to the right of citizenship."

On motion of Mr. Brierly,

Ordered, That the Rules be suspended, and the bill be read a second time now.

The bill was then read a second time.

On motion of Mr. Grimes,

The words "Des Moines county," after the word "convicted," were stricken out.

A motion was made by Mr. Bonney, that the bill be indefinitely postponed.

Pending which,

Mr. Wilson moved to lay the bill on the table,

Which motion having precedence was put, and decided in the negative.

The question then recurred on the indefinite postponement of the bill.

And was decided in the affirmative.

Yeas 20, Nays 4.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Bonney, Borland, Culbertson, Fay, Foley, Grimes, Hackleman, Johnson, Mitchell, McCleary, Nowlin, Roberts, Rogers, Smyth, Thompson, Walworth, Wilson, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Baker, Brierly, Brophy and Robb.

A motion was made by Mr. Wilson, that the House adjourn. Lost.

No. 155, H. R. File, "Joint Resolution to provide for the printing of the laws," as amended by the Council was taken up.

A motion was made by Mr. Bonney, that the words "William Crum, editor of the Iowa City Standard," be stricken out.

Which passed in the affirmative.

Yeas 21, Nays 4.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Grimes, Hackleman, Hebard, Johnson, McCleary, Nowlin, Roberts, Rogers, Smyth, Thompson, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Mitchell, Robb, Walworth, and Wilson.

A motion was made by Mr. Bonney, that the words "Hughes and Williams, editors of the Iowa Capital Reporter," be inserted.

Which was decided in the affirmative.

Yeas 15, Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Fay, Foley, McCleary, Robb, Roberts, Rogers, Smyth, Thompson, Wray, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Grimes, Hackleman, Hebard, Johnson, Mitchell, Nowlin, Walworth, and Wright.

And then the House adjourned.

Thursday Morning, February 15, 1844.

A motion was made by Mr. Wright, to re-consider the vote of yesterday, on disagreeing to the amendment of the Council to

No. 11, H. R. File, "A Bill to provide for assessing and collecting Public Revenue."

Which was agreed to.

The amendment of the Council was then concurred in, by being amended on motion of Mr. Wright.

Mr. Hackleman presented the account of S. McArthur, for wood furnished the Library.

Which was referred to the Committee on Expenditures.

On motion of Mr. Grimes,

Resolved, (unanimously,) That the thanks of this House be tendered to the Hon. JAMES P. CARLETON, Speaker of this House, for the prompt, able, and highly satisfactory manner in which he has discharged the duties of the Chair, during the present session.

Mr. Foley, from the Committee on Township and County Boundaries, reported as follows:

The Committee on Township and County Boundaries, to which was referred the petition of 60 citizens of Dubuque, Delaware, and Jones, praying for the formatition of a new county out of said counties, as also the remonstrance of 88 citizens of said counties against the prayer of the petitioners, have directed me to make the following report:

Your Committee having taken the subject under consideration, and bestowed that attention to it which its importance required, have agreed that the prayer of the petitioners ought not to be granted.

Your Committee, while on this subject, avail themselves of this opportunity to state, that it is their firm belief, that where old counties are laid out, their lines well defined and established, Seats of Justice permanently located, lots laid out and sold at a high rate, under the guarantee of public faith, and the proceeds expended for public uses or in the Treasury, that without some well known public grievance, and that generally expressed, those land-marks in our institutions should not be disturbed for trivial or fancied causes; nor can your Committee refrain from expressing it as their firm opinion, that once break in on any of the established counties in this Territory, and the whole will be disturbed from north to south, for the same restless spirit, once fostered and encouraged, will, like a contagion, spread from one end of our Territory to the other.

With these views, your Committee have directed me to offer the following resolution:

Resolved, That it is inexpedient and impolitic to grant the prayer of the petitioners, and they have leave to withdraw the same, and that your Committee ask leave to be discharged from the further consideration of the subject.

The report of the Committee was concurred in.

Mr. Nowlin, from the Select Committee, to which was referred

No. 89, H. R. File, "A Bill to regulate Marriages, and to abolish licenses therefor," reported the same back with amendments;

Which were read a first time.

And the question being put, Will the House concur in the report of the Committee?

It was decided in the affirmative.

Yeas 13, Nays 9.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Brierly, Brophy, Culbertson, Foley, Grimes, Hebard, Mitchell, Nowlin, Robb, Thompson, Wilson, Wray, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Bonney, Borland, Fay, Hackleman, Johnson, McCleary, Roberts, Smyth, and Wright.

The rules were then suspended, and the bill read a 2d and 3d time, and passed.

No. 123, H. R. File, "A Bill to repeal certain acts therein named," As amended by the Council, was concurred in.

No. C. File, "A Bill to amend an act entitled an act establishing the prices of Printing."

Was read a second time.

A motion was made by Mr. Grimes, to indefinitely postpone the bill.

Which was decided in the negative.

Yeas 5—Nays 19.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Grimes, Hackleman, McCleary, Robb, and Wray.

Those who voted in the negative are,

Messrs. Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Hebard, Johnson, Mitchell, Nowlin, Roberts, Rogers, Smyth, Thompson, Walworth, Wilson Wright, and Carleton, [Speaker.]

The rules were then suspended, and the bill read a third time, and passed.

A motion was made by Mr. Bonney, to suspend the rules, in order that he might introduce

No. 165, H. R. File, "A Joint Resolution, to provide for the distribution of the laws.

Which was agreed to, and the resolution read a 1st, 2nd and 3d time, and passed.

No. 54, C. File, "A Bill to amend an act relative to the organization of the Legislative Assembly.

Was read a second time.

The rules were suspended and the bill read a third time and passed.

No. 56, C. File "A Bill to amend an act regulating the election and duties of Sheriffs."

A motion was made by Mr. Bonney, to strike out the 2nd section which provides that Sheriffs shall not hold office more than four years in any term of six years.

Which was disagreed to.

Yeas 7, Nays 16.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative are

Messrs. Bonney, Borland, Brophy, Johnson, Rogers, Wray, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Brierly, Culbertson, Foley, Grimes, Hackleman, Hebard, Mitchell, McCleary, Nowlin, Robb, Roberts, Smyth, Thompson, Walworth, Wilson and Wright.

A motion was then made by Mr. Bonney, to add the following section, to wit:

That no officer in this Territory, shall be capable of holding the same office for more than two consecutive years.

Which was disagreed to.

Yeas 4, Nays 18.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative are,

Messrs. Bonney, Borland, McCleary, and Thompson.

Those who voted in the negative are,

Messrs. Brierly, Brophy, Culbertson, Foley, Grimes, Hackleman, Johnson, Mitchell, Nowlin, Robb, Roberts, Rogers, Smyth, Walworth, Wilson, Wray, Wright, and Carleton, (Speaker.)

The rules were then suspended and the bill read a third time.

And the question being put, Shall the bill pass?

It passed in the affirmative.

Yeas 15, Nays 8.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Brierly, Culbertson, Foley, Grimes, Hackleman, Hebard, Mitchell, Nowlin, Robb, Roberts, Smyth, Thompson, Walworth, Wilson, and Wright.

Those who voted in the negative, are

Messrs. Bonney, Borland, Brophy, Johnson, McCleary, Rogers, Wray, and Carleton, (Speaker.)

No. 67, C. File, "A Bill relative to Coroners and their duties."

Was read a second time, rules suspended, and the bill read a third time and passed.

Mr. Thompson from the Select Committee to which was referred,

No. 93, H. R. File, "A Memorial to Congress for a donation of land, for the Mount Pleasant Institute."

Reported the same back with amendments.

Which were read a first time.

The Memorial was then read a second and third time, and passed.

Mr. Hackleman, from the Committee on Expenditures, reported

No. 166, H. R. File "A Bill to provide for the compensation of the Members and officers of the Legislative Assembly, and for other purposes."

Which was read a first and second time.

And referred to a Committee of the Whole House, for the consideration of the same.

And after sometime spent therein, Mr. Speaker resumed the Chair, and Mr. Johnson reported with amendments, which were concurred in.

A motion was made by Mr. Johnson, to strike out $243—and insert $275, an item in favor of Bridgeman, Brothers.

Which was disagreed to.

Yeas 9, Nays 11.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Grimes, Hackleman, Hebard, Johnson, Mitchell, Thompson, Wray, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Borland, Brophy, Culbertson, Fay, Foley, McCleary, Nowlin, Roberts, Rogers, Smyth, and Wilson.

The rules were then suspended, and the bill read a third time.

And the question being put, Shall the Bill pass?

It passed in the affirmative.

Yeas 16, Nays 4.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, Johnson, Mitchell, Nowlin, Roberts, Rogers, Smyth, Wilson, Wray, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Grimes, Hebard, McCleary, and Thompson.

A Message from the Council, by Mr. Wallace, their Secretary,

Mr. SPEAKER:

I herewith present for your signature,

An act to incorporate the Wapesipinicon Mill Company.

Joint Resolution relative to the University Lands of Iowa."

The Council have agreed to the amendment of the House to the amendment of the Council to,

No. 152, H. R. File, "A Bill to incorporate the Wapesipinicon Bridge Company.

And have appointed Messrs. Elbert and Teas, a Committee of Conference, relative to the disagreeing vote upon,

No. 29, H. R. File, "A Bill to organize the county of Davis," &c.

And have appointed Messrs. Leffler and Gehon a Committee of Conference relative to,

No. 11, H. R. File, "A Bill to provide for assessing and collecting Public Revenue."

The Council have passed without amendments,

No. 93, H. R. File, "A Memorial to Congress for a donation of land for the Mt. Pleasant Institute."

No. 159, H. R. File, "An act to amend an act, to incorporate the town of Davenport.

No. 164, H. R. File, "A Bill to lay out and establish a Territorial Road, from Rome, in Jones county, to the Wapesipinicon Rapids," &c.

No. 165, H. R. File, "Joint Resolution relative to the distribution of the laws of the present session."

I herewith return, ten enrolled Bills, which have been signed by the President of the Council.

No. 72, C. F. "A Bill to amend an act entitled an act for the limitation of actions and for avoiding vexatious law suits," &c.

No. 145, H. R. File, "A Bill to amend an act entitled an act, concerning Grand and Petit Jurors," &c.

No. 91, H. R. File, "A Bill amendatory of an act entitled an act, relative to proceedings in Chancery," &c.

And then he withdrew.

Mr. Robb from the Committee on Enrolled Bills, reported, that they had examined and found correctly enrolled,

An act granting license to Pedlars.

An act to authorize the Judge of Probate of Linn county, to make a record of the proceedings of said court.

An act to authorize the President and Trustees of the town of Bellview to grant license to Merchants and Grocers.

A Memorial to the Post Master General, asking for additional Mail facilities."

An act for the formation of the county of Madison.

The Speaker signed said acts.

On motion of Mr. Grimes,

Ordered, That a Committee of Conference be appointed to confer with a similar Committee on the part of the Council relative to the disagreeing vote on,

No. 11, H. R. File, "A Bill to provide for assessing and collecting Public Revenue."

Whereupon, Messrs. Grimes and Johnson, were appointed said Committee.

No. 72, C. F. "A Bill to amend an act for the limitation of actions and for avoiding vexatious law suits."

Was read a first time.

No. 91, H. R. File, "A Bill amendatory of an act entitled an act relative to proceedings in Chancery."

As amended by the Council was disagreed to.

On motion of Mr. Mitchell,

Ordered, That a Committee of Conference be appointed in relation to said bill.

Whereupon, Messrs. Mitchell and Thompson were appointed said Committee.

A Message from the Council by Mr. Wallace their Secretary.

Mr. SPEAKER:

The Council have agreed to the report of the Committee of Conference upon,

No. 77, H. R. File, "An act amendatory of an act subjecting real and personal estate to execution."

They have also agreed to the report of the Committee of Conference upon,

No. 11, H. R. File, "A Bill to provide for assessing and collecting Public Revenue."

The Council have passed,

No. 73, "Joint Resolution authorizing the Secretary of the Territory to contract for the printing of the laws."

I am directed to return to the House

No. 155, H. R. File "Joint Resolution to provide for the printing of the laws," with the following resolution, which has passed the Council:

Resolved, That the said Joint Resolution be returned to the House of Representatives for their further consideration, because the action

of the House upon the Council amendment, is unparliamentary, and contrary to the rules of both Houses.

And then he withdrew.

Mr. Speaker offered the following:

Resolved, That the Joint Resolution be returned to the Council, with a request that they proceed in the usual mode of reconciling disagreements between the two Houses.

Which was adopted.

And then the House adjourned until two o'clock, P. M.

2 O'CLOCK P. M.

On motion of Mr. Bonney,

Ordered, That the use of this Hall be granted to the Democracy this evening.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed

No. 96, H. R. File, "A Bill to incorporate the Mt. Pleasant Collegiate Institute."

The Council have disagreed to the amendment of the House to

No. 11, H. R. File, "A Bill to provide for assessing and collecting Public Revenue."

And then he withdrew.

On motion of Mr. Grimes,

The House concurred in the report of the Committee of Conference on

No. 11, H. R. File, "A Bill to provide for assessing and collecting Public Revenue."

Mr. Hebard, from the Committee on Enrolled Bills, reported, that they had examined

An act to incorporate the Mount Pleasant Collegiate Institute;

An act to provide for assessing and collecting Public Revenue;"

And found the same correctly enrolled.

The Speaker then signed said acts.

Mr. Mitchell, from the Committee of Conference relative to the disagreeing vote of the House on

No. 91, H. R. File, "A Bill relative to proceedings in Chancery,"

Reported, that the Committee had receded from the amendments of the House.

Mr. Thompson, from the Committee of Conference relative to the disagreeing vote of the two Houses on

No. 77, H. R. File, "A Bill to amend an act subjecting real and personal estate to execution;"

Reported, that the Committee had agreed to a substitute for the amendments, as follows:

Sec. 8. That hereafter when any real estate may be sold by any decree or order of any Court in Cchancery, upon any Mortgage or

deed of trust, executed prior to the passage of the law to which this act is amendatory, the same shall be sold without being valued, as required by the provisions of the third section of the act to which this is amendatory, to the highest and best bidder. for the best price the same will bring, and the mortgagor or debtor may redeem the said real estate so sold as aforesaid, within two years from the date of said sale, by paying to the purchaser, or to the officer selling the same, or to his successor in office, the purchase money with interest thereon at the rate of ten per cent. per annum.

Sec. 9. That all deeds made and executed upon all sales made after the passage of this act, for real estate sold under any execution or order, or decree of Court, by any Sheriff or other officer authorized by law to make the same, shall, in all controversies which may hereafter arise in relation to the title of said real estate, be taken and considered as *prima facia* evidence of the existence of a judgment and execution authorizing said officer to sell the same, and also of the regularity of the said sale.

And the question being, Will the House concur in the report of the Committee on Conference?

It was agreed to.

Yeas 11—Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Culbertson, Fay, Foley, Nowlin, Roberts, Smyth, Thompson, Walworth, and Wray.

Those who voted in the negative, are

Messrs. Bonney, Brophy, Grimes, Hackleman, Hebard, Johnson, McCleary, Rogers, Wilson, and Carleton, (Speaker.)

On motion of Mr. Brophy,

Resolved, That the Committee on the Library be requested to report as soon as practicable.

No. 73, C. File, "A Joint Resolution, authorizing the Secretary of the Territory to contract for the printing of the Laws;"

Was read a first time, and,

On motion of Mr. Wilson,

The rules were suspended, and the resolution was read a 2nd time.

A motion was made by Mr. Baker to so amend the resolution as to authorize the Secretary to contract "with Hughes and Williams."

Which was decided in the affirmative.

Yeas 15, Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Nowlin, Robb, Roberts, Rogers, Smyth, Thompson, Wray, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Fay, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Walworth, Wilson, and Wright.

A motion was made by Mr. Fay, to strike out all after the word "Resolved," and insert the following:

That John B. Russell be authorized to print two thousand five hundred copies of the laws of the present session.

Which was decided in the negative.

Yeas 10, Nays 15.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Fay, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Walworth, Wilson, and Wright.

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Nowlin, Robb, Roberts, Rogers, Smyth, Thompson, Wray, and Carleton, (Speaker.)

A motion was made by Mr. Grimes, to add to the resolution the following words: "Provided, however, that the Secretary shall not so contract with said Hughes and Williams, if he can have the said printing and binding executed upon more moderate and liberal terms than is offered by said Hughes and Williams, and within the same time.

Which was decided in the negative.

Yeas 9—Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Fay, Grimes, Hackleman, Hebard, Johnson, Mitchell, Walworth, Wilson, and Wright.

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Thompson, Wray, and Carleton, (Speaker.)

A motion was made by Mr. Grimes, to insert in the Resolution, after the words "Hughes and Williams," or with the publisher or publishers of any other newspaper in this Territory, having regard to the despatch with which they can be furnished, and the price.

Which was decided in the negative.

Yeas 11—Nays 14.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, Robb, Rogers, Walworth, Wilson, and Wright.

Those who voted in the negative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, McCleary, Nowlin, Roberts, Smyth, Thompson, Wray, and Carleton, (Speaker.)

A motion was made by Mr. Grimes, to insert, after the words Hughes and Williams, the words, "or James Clarke."

When a motion was made by Mr. Fay, to amend by adding, "or John B. Russell."

Which was agreed to, and the amendment, as amended, adopted.

The Resolution was then read a third time, and passed.

A Message from the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER:

I am directed to inform the House, that the Council have concurred in the report of the Committee of Conference upon

No. 91, H. R. File, "A Bill amendatory of an act entitled An act relative to proceedings in Chancery," &c.

The Council have also concurred in the report of the Committee of Conference upon

No. 29, H. R. File, "A Bill to organize the county of Davis," &c.

And then he withdrew.

The House concurred in the report of the Committee of Conference on the foregoing Bills.

No. 72, C. File, "A bill for the limitation of actions and for avoiding vexatious lawsuits,"

Was read a second time, and referred to a Committee of the Whole House for the consideration of the same.

And after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Smyth reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same to the House with amendments.

The House concurred in the report of the Committee.

The rule was suspended for the time being, and the bill read a 3d time, and passed.

A motion was made by Mr. Grimes, to take from the table,

No. 51, C. F. "A Bill to amend an act concerning Costs and Fees,"

Which was agreed to.

The Bill was then read a third time, and passed.

A Message from the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER:

The Council have amended the amendment of the House to

No. 73, C F. "Joint Resolution, authorizing the Secretary of the Territory to contract for the printing of the laws of the present session.

And then he withdrew.

No. 73, C. F. The above entitled Resolution, was taken up.

And the question being put,

Will the House concur in the amendment of the Council?

It was decided in the affirmative.

Yeas 14—Nays 11.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Brierly, Fay, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Robb, Rogers, Thompson, Walworth, Wilson, and Wright.

Those who voted in the negative are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Foley, Nowlin, Roberts, Smyth, Wray and Carleton (Speaker.)

And then, on motion, the House adjourned until 7 o'clock P. M.

7 O'CLOCK, P. M.

Mr. Nowlin from the Committee on Claims, reported

No. 167, H. R. File, "A Joint Resolution to provide payment for the binding the laws of the last session.

Which was read a first time.

And the rules suspended, and the resolution read a second time.

A motion was made by Mr. Nowlin to insert in the Resolution, the words $1562,50.

Which was decided in the affirmative. Yeas 15, Nays 9.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Mitchell, McCleary, Nowlin, Robb, Thompson, Walworth, Wright and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Fay, Grimes, Hackleman, Hebard, Johnson, Rogers, Smyth Wilson and Wray.

A motion was made by Mr. Walworth, to add the following:

Provided, That Hughes and Williams, shall not be allowed anything for binding said laws. Which was agreed to.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed

No. 74, C. File, "A Joint Resolution relative to the printing, indexing and distribution of the Laws and Journals."

In which the coucurrence of the House is requested.

And then he withdrew.

A motion was made by Mr. Thompson to reconsider the vote by which $1562,50 was inserted in

No. 167, H. R. File, "Resolution to provide payment for the binding of the laws."

And after debate, the question was put;

And was decided in the negative. Yeas 8—Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Fay, Hackleman, Hebard, Johnson, Rogers, Smyth, Wilson and Wray.

Those who voted in the negative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Grimes, Mitchell, McCleary, Nowlin, Robb, Thompson, Walworth, Wright, and Carleton, [Speaker.]

The rules were then suspended.

And the question being put, Shall the resolution pass?

It passed in the affirmative.

Yeas 16, Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Grimes, Mitchell, McCleary, Nowlin, Robb, Thompson, Walworth, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Fay, Hackleman, Hebard, Johnson, Rogers, Smyth, Wilson, and Wray.

Mr. Brophy, from the Committee to whom was referred the petition of sundry citizens of Clinton county, asking a law to be passed modifying or altering the law now in existence for the collection of debts, so as to prevent the collection of all sums under one hundred dollars, have had the same under consideration, and ask leave to make the following report:

Your Committee cheerfully subscribe to the reasoning and principles advanced by your petitioners. After giving the request of your petitioners all the consideration that their experience and time would allow. Though novel it may appear to some of our modern theorists, we sincerely believe, and honestly think, that the request of your petioners is entitled to the consideration, if not of the present, of some future Legislature.

A portion of your Committee having had some experience since their residence in the western country, and an opportunity of fully testing the binding andirresistable influence of the law of honor, in the total absence of civil law, your Committee are fully persuaded that the law of honor is more cheerfully obeyed and adhered to than all the compulsory acts to make men honest, of ancient or modern times. Consequently, some other than the present mode, ought to be tried to accomplish what it fails to do, of rendering equal justice to all, with the least expense.

In the language of your petitioners, your Committee believe that the less law and litigation, the more prosperous the people would be, and by granting the prayer of your petitioners, it would certainly put an end to those petty law-suits that grow out of vexed and aggravated neighborhood broils, which have the most blighting influence on society, very frequently severing the social compact, and dissolving the holy bands of love, harmony, and neighborly feeling—as necessary to the happiness of the human family, and binding together society, as food is to the preservation of physical life.

Your Committee could refer to many arguments in favor of the petitioners' request, but leave much that might be said, to others more capable and more thoroughly imbued with the spirit of philanthrophy.

Suffice it to say, that wherever circumstances have thrown individuals together, and from necessity they had to be governed by the law of honor, and compelled to repose confidence in each other—a reciprocity of interest has been created and fostered, which has ever been attended with the happiest results.

Your Committee are willing to admit, that the doctrine may appear strange to those who never gave it a thought, and its advocates are likely to receive, in reply to their suggestions the appellation of fool or monomaniac, or some such epithet, characteristic of some modern skeptics. But is it not more natural to obey the dictates of honor and honesty, than to obey the crude mandates of an arbitrary code which we too often throw around us as a shield to save us from the censure of an insulted and enraged community?

Your Committee also believe, that if all laws for the collection of debts were entirely dispensed with, it would have a salutary influence on the morals, consequently on the character of the American people.

Your Committee would ask the skeptical to put the question to their own breasts, and give an impartial decision, and say which of the two codes they would rather obey.

The answer is at once in the mouth of every person governed in the least degree by the dictates of a sane conscience.

In the absence of legal authority, your Committee have not a doubt in saying, and do so without fear of successful contradiction, that the law of honor is more binding, and nine cases out of ten will be lived up to where the civil code would be disregarded with impunity. The immoral tendency of our present system of collecting debts under our statuteary provisions, is obvious to the most casual observer—the false swearing—the time spent attending courts, and the enormous expense in a pecuniary point of view, that go to support an idle and office-seeking gentry, who are ever ready to bellow loudly for the rights of the dear people, when there are favors to be disposed of, their demagogueical ends accomplished, they hypocritically go to work to stir up broils and law-suits, tending to subvert the best interests of a free people—stabbing at the vitals of the social system, and immolating the moral code on the altar of depravity, and embittered and useless litigation. The matter of contention very often being a mere cypher, consequently more disgraceful to our citizens, and an insult to the intelligence of the age;—the suggestion of the petitioners is worthy of a trial, and if it should not work well, we can return to the old and distrusting practice of compulsion.

The policy proposed would have a tendency to elevate the poor and honorable to a level with the wealthy, and if the rich man violated his promises, the poor man would, in public estimation, be his superior, as integrity, not property, would be the test of merit. It would make that moral distinction in community so necessary to the well-being of society—it would destroy and forever put to rest the delusions of the credit system, and restore to the whole American people that happiness so long sought for in vain.

Your Committee, on mature deliberation, would recommend that the request of the petitioners be not granted at this session of the Legislature, thinking it, perhaps, premature; and as it is a matter in which the interests of the whole Territory are involved, they fear the people are not prepared for such a radical change.

Your Committee would recommend this subject to the consideration of the inhabitants of Iowa, and wish it to be considered as among the unfinished business of the House, and deserving the early notice of the next Legislature.

The report was laid on the table.

A Message from the Council, by Mr. Wallace, their Secretary,

Mr. SPEAKER:

I herewith present for your signature,

An act to amend the several acts incorporating the town of Fort Madison.

An act to change the name of the town of Hartford in Van Buren county.

An act to re-locate a part of the Territorial Road running from Fort Madison to Iowaville on the Des Moines river.

An act declaring the streets and alleys, on the plat of Iowa City, public highways, and for other purposes.

An act to amend an act entitled an act, relative to Coroners and their duties, approved, December 23, 1839."

An act amendatory to the several acts regulating the election and duties of Sheriffs.

An act to amend an act entitled an act, establishing the prices of public printing.

An act to amend an act entitled an act, to provide for the annual organization of the Council and House of Representatives.

An act to amend an act entitled an act, to provide for the election of Justices of the Peace, to prescribe the powers and duties, and to regulate their proceedings," &c.

Joint Resolutions relative to a certain Mail Route."

I herewith return,

An act to incorporate the Mount Pleasant Collegiate Institute;

An act for the formation of the county of Madison.

An act to amend an act entitled an act, concerning Grand and Petit Jurors.

An act to provide for assessing and collecting Public Revenue.

Which have been signed by the President of the Council.

The Council have passed with amendments,

No. 153, H. R. File, "A Bill for an act to provide for taking the census and an extra session of the Legislative Assembly of the Territory." Also,

No. 166, H. R. File, "A Bill to provide for the compensation of the members and officers of both Houses of the Legislative Assembly, and for other purposes."

And then he withdrew.

The Speaker signed said acts presented for his signature.

No. 153, H. R. File, "A Bil to provide for taking the census, and an extra session of the Legislature,"

As amended by the Council, was considered.

A motion was made by Mr. Rogers to insert, after the words "an

appropriation for the Legislature," and "the several counties for taking the census."

Which was decided in the negative.

Yeas 9—Nays 14.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Brophy, Foley, Hackleman, Hebard, Johnson, Nowlin, Rogers, Wilson, and Wright.

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Grimes, Mitchell, McCleary, Robb, Smyth, Walworth, Wray, and Carleton, (Speaker.)

The amendment of the Council was then concurred in.

No. 74, C. File, "Joint Resolutions relative to the printing, indexing, and distribution of the laws and Journals."

Was read a first time, and,

On motion of Mr. Robb,

The rules were suspended, and the Resolution was read a second time.

A motion was made by Mr. Rogers, to strike $500—as the compensation to the Srcretary. Which was decided in the negative.

Yeas 9—Nays 9.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Bonney, Brophy, Fay, Foley, Hackleman, Johnson, Rogers, Smyth, and Wright.

Those who voted in the negative are,

Messrs. Baker, Grimes, Mitchell, McCleary, Robb, Thompson, Walworth, Wray, and Carleton, (Speaker.)

The Resolution was then read a third time.

And the question being put, Shall the resolution pass?

It passed in the affirmative.

Yeas 12, Nays 7.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brophy, Grimes, Mitchell, McCleary, Nowlin, Robb, Thompson, Walworth, Wray, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Fay, Foley, Hackleman, Johnson, Rogers, Smyth, and Wright.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. Speaker:

The Council have passed,

No. 33, H. R. File, "Resolutions to provide for the payment of the Reports of the Supreme Court, furnished under the resolutions of the last session of the Legislature."

No. 167, H. R. File, "Joint Resolutions providing for the payment of the binding of the laws of 1842–3."

I herewith present for your signature,

An act to amend an act entitled an act concerning Costs and Fees.

Joint Resolution authorizing the Secretary of the Territory to contract for the printing of the laws," &c.

And then he withdrew.

The Speaker then signed said act and Resolution.

A Message from the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER:

I herewith return,

An act to lay out and establish a Territorial Road from Rome, in Jones county.

An act amendatory of an act entitled an act, relative to proceedings in Chancery.

An act to organize the county of Davis, and to provide for the location of the seat of Justice thereof.

An act amendatory of an act subjecting real and personal estate to execution.

An act to amend an act entitled an act, to incorporate the town of Davenport.

Memorial to Congress for a donation of land for the Mt. Pleasant Collegiate Institute.

Joint Resolution relative to the distribution of the laws of the present session.

The Council have passed with amendments.

No. 111, H. R. File, "A Bill amendatory of an act entitled an act concerning Costs and Fees.

And then he withdrew.

No. 111, H. R. File, "A Bill amendatory of an act entitled, an act concerning Costs and Fees,"

Being returned from the Council with amendments,

A motion was made by Mr. Grimes that the House disagree to the amendments of the Council;

Which was decided in the affirmative.

Yeas 11, Nays 9.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Johnson, Mitchell, McCleary, Smyth, Thompson, Walworth, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Baker, Bonney, Culbertson, Fay, Nowlin, Robb, Rogers, Wray, and Wright.

No. 166, H. R. File, "A Bill to provide for the compensation of the members and officers of the Legislative Assembly, and for other purposes,"

As amended by the Council, was considered and concurred in.

Mr. Baker, on leave, introduced

No. 170, H. R. File, "A Joint Resolution relative to an appropriation for an extra session of the Legislature."

Which was read a first time,

And the rule suspended and the resolution read a second time.

A motion was made by Mr. Rogers to insert after the words "$5000 for an extra session of the Legislature," "and a million of dollars to pay to officers for services they have never rendered."

And was decided in the negative.

Yeas 6—Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Foley, Hackleman, Nowlin, Rogers, Smyth, and Wright.

Those who voted in the negative are,

Messrs. Baker, Bonney, Brierly, Brophy, Culbertson, Fay, Grimes, Johnson, Mitchell, McCleary, Robb, Thompson, Walworth, Wilson, and Carleton, (Speaker.)

Mr. Bonney called for the previous question, which was seconded, demanded, and put, on the passage of the resolution?

And was decided in the affirmative.

Yeas 12, Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brierly, Brophy, Culbertson, Fay, Mitchell, McCleary, Robb, Thompson, Wright, and Carleton (Speaker.)

Those who voted in the negative are

Messrs. Foley, Grimes, Hackleman, Johnson, Nowlin, Rogers, Smyth, and Walworth.

And then,

The House adjourned until to-morrow morning at 6 o'clock.

Friday Morning, February 16, 1844.

On motion of Mr. Hackleman,

Resolved, unanimously, That the thanks of this House be tendered to the Clerks for the able manner in which they have despatched business during the session.

On motion of Mr. Grimes,

Ordered, That a Committee of two be appointed to wait on the Council and inform them that the House has disposed of all its business, and is now ready to adjourn.

Whereupon, Messrs. Grimes and Nowlin, were appointed said Committee.

Messrs. Leffler and Elbert, a Committee from the Council, were announced, who informed the House that the Council had disposed of its business, and was now ready to adjourn.

A Message from the Council by Mr. Wallace their Secretary.

Mr. SPEAKER:

The Council have appointed Messrs. Springer and Cook a Committee to act with a Committee to be appointed on the part of the House to wait upon the Governor, to ascertain if he has any further communication to make with either House, and if not, inform him that the two Houses are now ready to adjourn, *sine die.*

And then he withdrew.

Messrs. Grimes and Thompson were appointed the Committee on the part of the House to wait upon the Governor, who retired, and after a short time, reported, that the Joint Committee had discharged the duty assigned them, and that the Governor informed them that he had no further communication to make to the Legislative Assembly.

On motion of Mr. Nowlin,

Ordered, That the House do now adjourn *sine die.*

Whereupon, the Speaker arose and addressed the House as follows:

GENTLEMEN:—The hour of our separation has at length arrived, and with it crowds upon the full heart pleasant memories and joyful anticipations. The scenes through which we have passed, and the prospect that lies before us, receive an additional lustre from the gloom which surrounds the present moment. Standing, as it were, upon a point of time, which connects the cherished associations of our sojourn here, as members of this body, with all the endearments of home and friends, we feel, on the one hand, how deep, how lasting are the friendships we have formed, and on the other, how strongly are entwined our affections around those, whose "eyes will mark our coming, and grow brighter when we come." It is in an hour like this, that man exhibits the noblest feelings of his nature, feelings which constitute the life-blood of the social system, and the poetry of life's eventful history. Yea, gentlemen, it is an hour when heart mingles with heart by sympathy, an hour sacred to friendship, and here upon its altar, at this moment, when we are about to separate, never again, perhaps, to meet this side the grave, I trust we are willing to offer up any bitterness which may have been engendered, during our intercourse with each other. To refuse to do so, aye, even to cherish its memory, when every thing connected with the present is so well calculated to soften and subdue the heart, would be treason against our nature. That heart-burnings should have grown out of the conflict of mind and of interest exhibited upon this floor, it is but natural to expect, but my own feelings at the present assure me, that their memory has faded away with the occasion that gave them birth, and now in calling up the recollections of the past, we remember only as in the reminiscences of childhood, the instances of kindness and of forbearance, which have been manifested the one towards the other.

In the discharge of the arduous duties which have devolved upon me, as Speaker of this House, allow me to say, that I have at all times aimed at right, and I am assured by the flattering testimonial which you have borne to my conduct, that I have to some extent been suc-

cessful. Agitated as the country now is, by party feeling and party excitement, I have endeavored in the position which I have occupied to you, to forget that I stood identified with either one of the great parties of the Union, and so to administer the rules of order as to secure harmony in your deliberations, and despatch in your business. And it affords me pleasure, Gentlemen, to say, that amid all the difficulties which surrounded the station I have occupied, I have experienced nothing at your hands, but kindness and forbearance, and the impression which your conduct has made upon my mind, will never fade, as long as memory continues faithful to the treasures entrusted to her care.

The true character of the work which you have accomplished, can only be known when its effects upon the great interests of our Territory, are fully ascertained. That you have aimed at their advancement, I cannot doubt—that you have been successful, must be determined by coming events. Every year is throwing greater responsibilities, upon those who are called upon to occupy this Hall as Legislators. As our population increases, and as we advance in the improvements of the age, new interests spring into existence, which are to be cherished and protected, jealousies are awakened, which are to be assuaged, and schemes of improvement projected, which are to be encouraged.

Under no circumstances, is the task of a Legislator an easy one, but it is rendered doubly difficult, when he is called upon to meet and adjust the conflicting interests of a country rapidly advancing in population, and in all the elements of wealth and greatness. The present session has fully demonstrated the truth of this statement. Difficult, however, as may have been the scenes through which you have passed,—conflicting as may have been the interests you have been called upon to adjust, you have met them in a becoming spirit, and if the greatest amount of good has not been secured to the greatest number, it has not been for the want of zeal and untiring industry in behalf of those, whose interests you have represented.

But, Gentlemen, I will not detain you longer in this moment of deep anxiety, when the full heart beats high, with the anticipation of mingling again with family and with friends. May your anticipations be realized, and in after years may it be a source of gratification and delight to you, to recur to the scenes in which you have been actors here.

And in the discharge of the last act of duty, by declaring the House adjourned *sine die*, I bid you all an affectionate farewell.

APPENDIX.

TERRITORIAL AGENT'S REPORT.

OFFICE OF TERRITORIAL AGENT,
Iowa City, Dec. 1, 1843.

To the Honorable,
The Council and House of Representatives:

In obedience to law, I herewith respectfully submit my annual report, as Territorial Agent.

Under the provisions of the act defining the duties of Territorial Agent, approved the 13th day of February, 1843, I laid off the Promenade, the Lumber Yard, and the Quarry reserve, into out-lots, and caused a regular plat thereof to be made out and certified to, by the County Surveyor, and had the same recorded by the County Recorder.

Previous to the public sales on the first Monday in May, I took to my assistance, William L. Gilbert and Stephen B. Gardner, Commissioners appointed and commissioned by the Governor for that purpose, and proceeded to re-value the unsold and forfeited lots, at the minimum of eighty dollars, as prescribed in the above recited act.

There were remaining, unsold on the first day of May last, three hundred and fifty-three city lots, and two out-lots of the original survey. In the new addition, there were ten out-lots added to the plat, also fourteen forfeited lost, together with the Governor's Square, making three hundred and seventy-eight city lots and out-lots, all of which were offered at public sale, on the first Monday of May last. At the public sale, and up to the date of this report, there have been sold twenty-five lots and out-lots, leaving three hundred and fifty-three lots remaining unsold.

Total amount of unsold lots, on the first day of May last,	$30,900
Sales of 1843,	2,618
Amount of unsold lots,	$28,282

Notes remaining in the office, and in the hands

of Attorneys for collection on the 1st Dec., 1842,		$12,452 57
Sales of 1843,		2,618 00
		$15,070 57
Notes remaining in this office,	$5,199 38	
Notes in the hands of Attorneys for collection,	2,402 44	
Disbursements for 1843,	7,180 11	
		$14,781 93
Excess of receipts over disbursements,		288 64

In compliance with law, I have finished the north gable-end and chimneys of the Capitol, and prepared two additional rooms for occupation the present season.

I have also delivered on the Public Square, near the Capitol, dimension stone for steps, and flagging for the front portico, which was as far as I could proceed the present season with the limited means within my control.

There has been no considerable demand for lots this season. The heavy sales made in 1842, in addition to the sales made the three preceding years, have supplied the demand for lots. The mechanics and laborers of this place constitute a numerous and enterprising class of citizens, who have purchased lots for work on the Capitol, and who stand ready to accomodate those who desire to purchase, upon more favorable terms than the Territorial lots are offered.

Under these circumstances, candor compels me to say, that the operations on the Capitol must be partially suspended for a limited time, ~~unless funds~~ can be raised from some ~~other source than from~~ the sales of city lots.

The sales and collections hereafter made, should be applied to the payment of the outstanding demands against this office. These demands, including the debt due the Dubuque Bank, may be estimated at nine thousand dollars.

The outstanding Scrip, of the issue of 1841, has been taken in, and for the balance, held by Murray & Sanxay, I gave them a certificate, certifying the amount, and that its redemption was authorized by law. This certificate was given on the nineteenth day of August, for one thousand three hundred and sixty-five dollars; and I recommend that legal interest be allowed thereon, from the date thereof until paid. This will enable the holders to negotiate it in business. Murray and Sanxay claim interest on the amount of Scrip held by them during the years 1842 and '43. The average amount for 1842 may be estimated at two thousand dollars, and for 1843 at one thousand five hundred dollars, up to the date of the certificate referred to—say nine months. Should this claim be allowed to them, it cannot set a precedent for similar demands for interest on the new issue of 1842, as it clearly sets forth Iowa City lots as the basis for its redemption.

Among the claims outstanding against this office, is one in favor of Shawk & Co., Lock manufacturers at Cincinnati. This company has an agency in this City, and has been in the habit of keeping a supply of locks for sale, but not having the kind wanted for the State House, their agent solicited the bill, which was furnished to *him*, and in October 1842, the shipment was made on the steam-boat Boston, which was sunk on her passage to St. Louis. The box containing those locks was reclaimed by the wreckers and sold at St. Louis, one fourth for the benefit of the owners. Shawk & Co., through their agent, demand payment from the Territory for the bill, and as I am at a loss to determine the legality of this claim, or whether the Territory is bound, in good faith, to pay it, I submit the subject for the consideration of the Legislature.

In settling the account of Chauncey Swan, late Acting Commissioner, I find him charged with the appropriation made by Congress for the Capitol at Iowa City, $20,000 00
Sales of Iowa City lots in the years 1839 and '40, 35,051 75
And also several miscellaneous receipts, 1,308 00

$56,359 75

Notes handed over to Jesse Wiliams, his successor in office,	$18,283 75	
Vouchers filed in this office,	35, 227 34	
Miscellaneous credits,	645 82	
Salary account, embracing several incidental charges,	2, 520 19	
		$56, 677 10
Leaving a balance due Chauncey Swan of,		$317 35
I find the receipts of Jesse Williams, late Territorial Agent, to be		$19,892 24
Scrip of 1840, redeemed in 1842 and 1843,		4,385 41
		$24,277 65
Disbursements of 1841,	$23,485 69	
Salary account,	758 33	
		$24,244 02
Leaving a balance in favor of the Territory, of		$33 63

This account, although balanced, cannot be considered as settled.—Should there be any further receipts of Scrip at this office of the issue of 1841, it will be charged to the account.

As it may be some time before the Capitol will be finished, the most judicious application should be made of the balance of notes remaining

in this office, which have accrued from the sales of 1842 and 1843, under the law authorising the sales to be made for work and materials on the Capitol, and which cannot be collected in any other way, so long as the parties hold themselves in readiness to fulfil their contracts when called upon.

In addition to these notes, there will be a demand for lots, to be paid in work, which could not otherwise be sold sufficient to complete the steps and flagging of the east front portico. These porticos were not constructed of the best materials, and especially the one on the west front. which is now so far injured as to render it necessary to rebuild it. The east front portico having been constructed of better materials, is not materially injured, and may be saved from loss by adding the steps and flagging to it the ensuing season.

The temporary roof upon the dome is not sufficient to protect the building, and should be covered with shingles, and the gable ends securely boarded up. It is also necessary for the security of the foundation of the Capitol, that a fill should be made, extending from the south-east corner, and that there should be a regular grade made, sufficient to cause the water to pass off freely from all parts of the building.

All of which is respectfully submitted.

JOHN M. COLMAN,
Territorial Agent.

AUDITOR'S REPORT.

REVENUE DEPARTMENT,
AUDITOR'S OFFICE, IOWA,
Iowa City, 6th Dec. 1843.

To the Honorable,
The Council and House of Representatives of the Territory of Iowa.

GENTLEMEN:—In compliance with the eighth section of an act of the Legislative Assembly of the Territory of Iowa, entitled "An Act providing for the appointment and duties of Auditor of Public Accounts and regulating the duties of Territorial Treasurer, I herewith submit to you the following Report:

I regret that from the fact of many of the County Officers throughout the Territory, having failed in the discharge of their respective duties relative to the Territorial Revenue, and the transmission of documents appertaining to this office, I am not prepared to exhibit the situation and condition of the revenue department of the Territory,

in that light and with that degree of accuracy and certainty which is at all times so much to be desired.

In consequence of my predecessor not having heretofore submitted regular annual reports, I have no data from which to commence this report other than the foundation and organization of this office; I shall therefore (so far as I have the means within my control) endeavor to exhibit a statement of all of the Warrants issued and the amount that has been cancelled from the 12th day of March, A. D. 1840, up to this date, also the liabilities and resources of the Territory so far as can be ascertained from the books and papers in my possession.

Warrants issued by Jesse Williams, late Auditor,

FOR PAY OF MILITARY OFFICERS.

To Henry King, Brigade Inspector,	$28 00	
To Ver Plank Van Antwerp, Adjutant General,	150 00	
do do	75 00	
To Henry King, Brigade Inspector,	32 00	
To Ver Plank Van Antwerp, Adjutant General,	75 00	
To Theodore Sanxay, on account of Adjutant Gen'l.	125 00	
To Henry King, Brigade Inspector,	79 00	
To John W. Brown, do	32 00	
To O. H. W. Stull, Adjutant General,	75 00	
		$671 00

FOR PUBLIC BUILDINGS AT IOWA CITY.

To John F. Rague and Company,	10,000 00	
To Chauncey Swan, Acting Commissioner,	4,640 00	
do do	3,360 00	
To John H. M'Kenny,	45 00	
To Chauncey Swan, Acting Commissioner,	1,155 00	
To William Skein,	800 00	
		$20,000 00

FOR PAYMENT OF TERRITORIAL TREASURER.

To Thornton F. Bayless,	$69 50	
To Morgan Reno,	11 68	
" do do	25 00	
" do do	25 00	
" do do	25 00	
" do do	12 00	
" do do	13 00	
		$181 18

FOR PAYMENT OF INCIDENTAL EXPENSES.

To O. Fairchild, for stationary, blank books, &c.	10 00

To John H. McKenny, blanks for Auditor,	10 00	
To William Green,	22 00	
To M. Reno, for postage,	5 37	
To John H. McKenny, for blanks,	10 00	
		$57 37

FOR CLERK'S FEES IN THE DISTRICT COURT.

To D. Hoge, Clerk, Scott county,	14 12	
" John H. Lines, Clerk, Lee county,	92 24	
" J. G. Morrow, Clerk, Muscatine county,	19 11	
" Z. C. Inghram, Clerk, Louisa county,	9 12	
" S. H. Tryon, Clerk, Linn county,	19 34	
" E. Kirkpatrick, Clerk, Henry county,	36 25	
		$190 18

SHERIFFS' FEES FOR ATTENDING DISTRICT COURT.

To A. H. Davenport, Sheriff, Scott county,	6 99	
" B. W. Gillock, Sheriff, Lee county,	189 73	
" A. H. Davenport, Sheriff, Scott county,	54 00	
" James Cameron, Sheriff, Des Moines county,	189 50	
" Samuel Smith, Sheriff, Henry county,	64 50	
" A. H. Davenport, Sheriff, Scott county,	9 00	
" B. W. Gillock, Sheriff, Lee county,	54 00	
" George McCoy, Sheriff, Cedar county,	21 00	
" George W. Cummins, Sheriff, Dubuque county,	180 00	
" J. H. Bonney, Sheriff, Van Buren county,	27 00	
" C. M. McDaniel, Sheriff, Louisa county,	5 49	
" H. W. Gray, Sheriff, Linn county,	37 87	
" A. H. Davenport, Sheriff, Scott county,	13 50	
" Samuel Smith, Sheriff, Henry county,	5 91	
		$858 49

WITNESS FEES IN DISTRICT COURT.

To D. Hoge, Scott county,	$20 00	
" W. Woodbridge, Linn county,	9 24	
" John Grogan, Henry county,	15 00	
" J. P. Box, Henry county,	12 00	
		56 24

SHERIFF'S FEES FOR MAINTAINING JURISDICTION.

To H. Heffelman, Sheriff of Van Buren county,					$50 00
"	do	do	do	do	50 00
"	do	do	do	do	50 00
"	do	do	do	do	50 00
"	do	do	do	do	50 00

To H. Heffelman, Sheriff of Van Buren county,	$50 00	
" do do do do	20 00	
To James Davis, Sheriff of Muscatine county,	24 72	
		$344 72

EXPENSES OF PENITENTIARY.

To Wells & Wilson,	1000 00	
" do do	1000 00	
" do do	1000 00	
" do do	1000 00	
" do do	1000 00	
" do do	500 00	
" do do	500 00	
" do do	500 00	
" do do	600 00	
To John Claypool,	437 50	
To Wells & Wilson,	500 00	
" do do	500 00	
" do do	500 00	
" do do	251 42	
To Lucy Ann Smith	61 87	
		$9350 79

FOR PAYMENT OF SUPERINTENDENT OF PUBLIC INSTRUCTION.

To William Reynolds,	$62 50	
" do do	62 50	
" do do	85 40	
		$210 40
To James Cameron, Sheriff, Des Moines county, attending Supreme Court,	22 00	
To John Lorton, upon Resolution of Legislature,	21 00	

CONSTABLES' FEES FOR ATTENDING DISTRICT COURT.

To Levi Williams, Scott county,	11 00	
To Jarad Snow, do do	14 00	
		25 00

FOR ARRESTING PRISONERS.

To Samuel Ralston, of Henry county,	67 85	
To Luke Booth, do do	12 00	
To Absalom Grogan, do do	22 00	
		101 85

Warrants issued by the undersigned since the 1st day of February, 1843.

APPROPRIATIONS BY THE LEGISLATURE.

To Laurel Summers,	$170 00	
To Hawkins Taylor,	12 00	
To John Hawkins, adm'r. of Jas. M. Hawkins,	45 00	
		227 00

FOR PAY OF MILITARY OFFICERS.

To O. H. W. Stull, Adjutant General,	$75 00	
" John Brown, Brigade Inspector,	16 00	
" D. R. Warfield, do do	56 00	
" Z. C. Inghram, President Court Martial,	7 00	
" John W. Brown, Brigade Inspector,	16 00	
		170 00

SHERIFF'S FEES ATTENDING DISTRICT COURT.

To James Bowen, sheriff Clinton county,	4 50	
" Hawkins Taylor, do Lee do	54 00	
" James Cameron, do Des Moines do	40 50	
" G. W. Cummins, do Dubuque do	77 00	
" Adrain Davenport, do Scott do	9 37	
" Josiah H. Bonney, do Van Buren do	15 00	
" James Davis, do Muscatine do	49 50	
		249 87

FOR CONTINGENT EXPENSES.

To Jones and Powell for paper, &c.,	4 00	
" Van Antwerp and Hughes, Treasury Drafts,	12 00	
" Ezra Bliss, assignee of Jos. Lancaster, Binding Books,	3 00	
" William Green for warrant Record,		
" Reagan & Gilbert for Blank Book,	2 50	
" Hughes & Williams for publishing notice,	2 50	
" do " printing &c.,	4 00	
" R. W. Albright, do	24 00	
		61 00

SHERIFF'S FEES ATTENDING SUPREME COURT.

To Walter Butler Sheriff of Jonnson county,	30 00	
" Saml. C. Trowbridge, " "	2 50	

To Walter Butler, Sheriff of Johnson county,	6 00	
		$38 50

EXPENSES OF PENITENTIARY.

To James Wilson,	149 87	
" Wilson, Perry & Co.,	206 46	
" Edwin Guthrie,	39 25	
" do do	137 00	
" do do	166 66	
To Charles Jewett,	80 00	
" John Claypool,	187 05	
" Solomon Fine,	200 00	
" George Van Baskirk,	7 50	
" J. W. and W. G. Albright,	275 81	
To Peter Miller,	108 57	
" do do	148 80	
" do do	155 64	
" William Augabright,	11 25	
" John H. Lines,	99 36	
" John C. Tull,	25 00	
" Fitzpatrick and Dorsey,	61 08	
" William Anderson,	120 84	
" do do	83 79	
" do do	395 84	
" do do	180 52	
To Richard Pritchet,	11 00	
" Stewart and Brown,	7 60	
" John Waters,	17 00	
" John Claypool,	340 27	
" John Jenkins,	6 00	
" Wells and Wilson for interest on $7100,00,	278 08	
		3,500 24

FOR CLERK'S FEES IN DISTRICT COURT.

To David Hoge, Scott county,	16 56	
" John McDonald, Jackson county,	6 50	
		23 06

FOR PAYMENT OF TERRITORIAL TREASURER.

To Morgan Reno,	75 00	
" do do 3 Warrants,	150 00	
		225 00

To Emanuel Horner, Witness fee in the Dis-

trict Court of Louisa county,	2 00
	$36,586 89
To Wm. Reynolds, of which there is no record or memorandum, issued by Jesse Williams,	62 52
	$36,649 41

AMOUNT OF WARRANTS CANCELLED.

Receipted for by Jesse Williams as Auditor,	$20,677 60	
Do W. L. Gilbert do	5,446 98	
		$26,124 66

Amount paid by the Territorial Treasurer for which there were no Warrants issued.

To Thornton F. Bayless, late Treasurer,	$114 26	
To Jesse Williams, late Auditor,	153 00	
To Wm. L. Gilbert, present do	148 10	
To James Cameron, interest on protested draft,	4 68	
		420 04
To O. H. W. Stull on Warrant No. 4 not cancelled,		25 00
		$26,569 70
Deduct this amount of certificates issued by the Treasurer as per act of the Legislative Assembly,		3,074 54
		$23,495 16
Total amount of ~~Warrants issued~~ since the 12th day of March, 1840,	36,649 41	
Warrants cancelled and payments by Treasurer,	23,495 16	
Amount outstanding against the Territory,		$13,154 25

As appears from the books and papers in this office, from this amount there should be deducted such payments as have been made by the Secretary of the Territory in accordance with the act of Congress approved 29th Aug., 1842, the amount of which said payments the undersigned has not the means of ascertaining.

The following statement will show the situation of the accounts with the several counties in the Territory, as appears from the Records of this office, up to this date.

		Dr.	Cr.
	CEDAR COUNTY.		
1841.	To Territorial Tax,	$37 74	
1842	do do	58 07	
1843	do do	47 80	
		$143 61	
	CLAYTON COUNTY.		
1840.	To Territorial Tax,	$10 33	
1841.	do do	22 01	
1842.	do do	16 31	
		$48 65	
	CLINTON COUNTY.		
1839.	To Territorial Tax,	18 87	
1840.	do do	14 61	
1841.	do do	15 02	
1842.	do do	16 68	
		$65 18	
	DES MOINES COUNTY.		
1839.	To Territorial Tax,	102 12	
1840	do do	206 70	
1841	do do	310 24	
1842	do do	280 46	
		899 52	
1843.	Dec. 1st. By Treasurer's Receipt,		$249 65
	Balance due the Territory,	$649 87	
	DUBUQUE COUNTY.		
1839.	To Territorial Tax,	130 23	
1840.	do do	62 93	
		$193 16	
	HENRY COUNTY.		
1839	To Territorial Tax,	58 41	
1840	do do	96 35	
1841	do do	138 03	
1842	do do	149 67	
		442 46	

		Dr.	Cr.
1841.	Jan. 15th. By Cash rec'd from Co. Treas'r,		$58 41
"	" do do		96 35
1843.	Dec. 2d. By Treasurer's Receipt,		270 10
			$424 86
	Balance due Territory,	$17 60	
	MUSCATINE COUNTY.		
1839.	To Territorial Tax,	23 48	
1840	do do	146 85	
1841	do do	146 36	
1842	do do	150 06	
		$466 75	
	SCOTT COUNTY.		
1839.	To Territorial Tax,	85 36	
1840.	do do	90 54	
1841.	do do	72 72	
1842.	do do	106 32	
		354 94	
1843.	Dec. 1st. By Treasurer's Receipt,		365 04
	Balance due Scott county,		$10 00
	JACKSON COUNTY.		
1840.	To Territorial Tax,	25 90	
1841.	do do	23 42	
1842.	do do	40 43	
		$79 75	
	JEFFERSON COUNTY.		
1839.	To Territorial Tax,	29 89	
1840.	do do	55 57	
1841.	do do	86 57	
1842.	do do	58 92	
		$230 95	
	JOHNSON COUNTY.		
1840.	To Territorial Tax,	$43 64	
1841.	do do	42 18	
1842.	do do	81 43	
1843.	do do	216 00	
		383 25	
1842.	May 2d. By cash per Treasurer's Receipt,		$37 00

		Dr.	Cr.
1843.	Sept. 10, per Treasurer's Receipt,		70 71
			107 71
	Balance due Territory,	$275 54	
	JONES COUNTY.		
1840.	To Territorial Tax,	7 39	
1841.	do do	10 42	
1842.	do do	11 15	
		$28 96	
	LEE COUNTY.		
1839.	To Territorial Tax,	139 07	
1840.	do do	176 06	
1841.	do do	297 78	
1842.	do do	289 41	
		902 32	
1840.	Jan. 6. By cash as per Treasurer's Rec'pt,		$139 00
1843.	Dec. 1. " Treasurer's Receipt,		464 97
			603 97
	Balance due Territory,	$298 35	
	LINN COUNTY.		
1841.	To Territorial Tax,	20 08	
1842.	do do	31 11	
		51 19	
1843.	July 20th. By Treasurer's Receipt,		37 37
	Balance due Territory,	$13 82	
	LOUISA COUNTY.		
1839.	To Territorial Tax,	$39 65	
1840.	do do	111 27	
1841.	do do	105 03	
1842.	do do	94 73	
		350 78	
1843.	Dec. 1st. By Treasurer's Receipt,		$234 34
	Balance due Territory,	$116 34	

		Dr.	
	VAN BUREN COUNTY.		
1839.	To Territorial Tax,	44 15	
1840.	do do	150 56	
1842.	do do	246 20	
1843.	do do	547 23	
		$988 14	
	WASHINGTON COUNTY.		
1839.	To Territorial Tax,	$13 72	
1840.	do do	31 31	
1841.	do do	27 37	
1842.	do do	36 87	
1843.	do do	80 06	
		189 33	
1843. Nov.	By Treasurer's Receipt,		$22 00
	Balance due Territory,	$167 33	
	RECAPITULATION.		
Due from	Cedar county,	$143 61	
do	Clayton do	43 65	
do	Clinton do	65 18	
do	Des Moines do	649 87	
do	Dubuque do	193 16	
do	Henry do	17 60	
do	Muscatine do	466 75	
do	Jackson do	79 75	
do	Jefferson do	230 95	
do	Johnson do	275 54	
do	Jones do	28 96	
do	Lee do	298 35	
do	Linn do	13 82	
do	Louisa do	116 34	
do	Van Buren do	988 14	
do	Washington do	167 33	
		3,784 00	
Deduct balance overpaid by Scott county,		10 10	
Total amount of resources,		$3,773 90	
Amount of outstanding liabilities,			$13,154 25
Resources,			3,773 90
Excess of liabilities above resources,			$9,380 35

It will be perceived from the foregoing statement that the amount of Territorial taxes has not been regularly transmitted to this office from some of the counties for several years past, although the proper officers in such counties have been repeatedly solicited from this office to send up the amounts of former assesssments; and for the present year but few of the assessments have as yet been received.

With regard to the outstanding revenue due from the several counties, the undersigned feels well convinced, that but little, if any of it, will ever be made available to the Territory, unless some new mode should be adopted different from the present system of collecting and paying over the Territorial Revenue. In view of this, the undersigned would respectfully suggest the necessity of so amending the revenue law as to make it the duty of the Clerk of the Board of County Commissioners to forward to this office copies of the assessment rolls at the same time that they are delivered to the Collectors, and that the Collectors be directed to pay over the Territorial funds to the Territorial Treasurer, and to take his receipt therefor, and furnish to this office annually a list of the delinquents, verified by affidavit, and that there be such clauses incorporated into said law as will afford the means of coercing the several county officers into the discharge of their respective duties relative to the Territorial Revenue. Such amendments the undersigned feels assured would have a salutary effect in putting a stop to the present system of appropriating the Territorial funds to individual and county purposes.

All of which is respectfully submitted by

WILLIAM L. GILBERT,
Auditor of Public Accounts

ABSTRACT

OF THE TERRITORIAL TREASURER'S REPORT OF DECEMBER 6th, 1843.

To the Honorable, the Legislative Assembly:

GENTLEMEN: In obedience to the provisions of the law imposing on me that duty, I herewith submit the annual report of this office.

Iowa Territory in account with M. Reno, Treasurer of said Territory, for receipts and expenditures in 1843.

	Dr.		Cr.	
Receipts of 1st quarter, 1843, - - -			1648	35
Expenditures of 1st quarter, 1843, - - -	$165	00		
Receipts of 2d quarter, 1843, - - -			67	00
Expenditures of 2d quarter, 1843, - -	1496	30		
Receipts of 3d quarter, 1843, - - - -			48	87
Expenditures of 3d quarter, 1843, - -	86	97		
Receipts of 4th quarter, 1843, - - - -			1504	12
Expenditures of 4th quarter, 1843, - -	1410	02		
	3158	29	3268	34
Leaving a balance in the Treasury Dec. 6, 1843, of,			110	05

All of which is respectfully submitted,

By your very obedient servant,

M. RENO, Territorial Treasurer.

RULES

OF THE

HOUSE OF REPRESENTATIVES.

Duty of the Speaker.

1. He shall take the Chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2. He shall preserve order and decorum, and speak to points of order in preference to other members, rising from his seat for that purpose; and shalt decide questions of order, subject to an appeal to the House by any two members.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form to wit: "As many as are of opinion that [as the question may be] say AYE"—and, after the affirmative voice is expressed, "As many as are of the contrary opinion say No." If the Speaker doubts, or a division be called for, the House shall divide. Those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

5. The Speaker shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

6. All Committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

7. In all cases where the House is equally divided, the Speaker shall give the casting vote, and shall also vote on a call of the Ayes and Noes.

8. All acts, addresses, and joint resolutions shall be signed by the Speaker; and all writs, warrants, and subpœnas issued by order of the House, shall be under his hand and seal, attested by the clerk.

9. In case of any disturbances or disorderly conduct in the lobby, the Speaker or Chairman of the Committee of the Whole House, shall have power to have the same cleared.

10. Order of the business of the day.

After the Journal is read, the following order shall govern:
1st—Petitions or remonstrances to be offered.
2d—Resolutions and Notices to bring in Bills.
3d—Reports of Committees.
4th—Bills to be introduced, of which notice has been given.
5th—Messages and Communications on the Speaker's table.
6th—Bills and Resolutions ready for a second reading.
7th—Bills on their passage.
8th—Reports in possession of the House, which offer grounds for a bill, are to be taken up, in order that the bill may be ordered in.
9th—Bills or other matters before the House and unfinished the preceding day.

Of Decorum and Debate.

11. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate, and shall avoid personalities.

12. If any member, in speaking or otherwise trangress the Rules of the House, the Speaker shall or any member may, call to order, in which case the member so called to order, shall immediately sit down, but may be permitted with leave of the House to explain; and the House shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the chair shall be submitted to; if the decision be in favor of the member called to order, he is at liberty to proceed, if otherwise, he shall not be permitted to proceed without leave of the House, and if the case require it, he shall be liable to the censure of the House.

13. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

14. No member shall speak more than twice on the same question, without leave of the House, nor more than once until every member choosing to speak shall have spoken.

15. Whilst the Speaker is putting any question or addressing the House, none shall walk out of or across the House, or when a member is speaking shall entertain private discourse, nor whilst a member is speaking, shall pass between him and the chair.

16. No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not present when the question was put, unless the Speaker again state the question.

17. Upon a division and count of the House on any question, no member without the bar shall be counted.

18. Every member who shall be in the House when the question is put, shall give his vote, unless the House, for special reasons, shall excuse him.

19. When a motion is made and seconded, it shall be stated by the Speaker, or, being in writing it shall be handed to the chair and read aloud by the clerk before debated.

20. Every motion shall be reduced to writing if the Speaker or any member desire it.

21. After a motion is stated by the Speaker or read by the clerk, it shall be deemed to be in the possession of the House, but may be withdrawn by leave of the House.

22. When a question is under debate, no motion shall be received but to adjourn; to lie on the table; for the previous question, to postpone to a day certain; to commit or amend; to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain; to commit or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill, shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.

23. When a resolution shall be offered, or a motion made, to refer any subject, and different Committees shall be proposed, the question shall be taken in the following order:

The Committee of the Whole House; a standing Committee; a Select Committee.

24. A motion to adjourn shall be always in order excepting when a member is speaking, or the House voting; that, and the motion to lie on the table, shall be decided without debate.

25. The previous question shall be in this form; "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present; and until it is decided, shall preclude all amendment and further debate upon the main question.

26. On a previous question there shall be no debate.

27. When a question is postponed indefinitely, it shall not be acted upon again during the session.

28. Any member may call for a division of the question, which shall be divided if it comprehends questions so distinct that one being taken away, the rest may stand entire for the discussion of the House; a motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert.

29. Motions and reports may be committed at the pleasure of the House.

30. No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment.

31. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member in the majority to move for the reconsideration thereof on the same or succeeding day, and such motion shall take precedence of all other questions except a motion to adjourn.

32. Petitions, memorials, and other papers addressed to the House,

shall be presented by the Speaker, or by a member in his place, a brief statement of the contents thereof, shall verbally be made by the introducer, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise, but shall lie on the table to be taken up in the order they were read.

33. A proposition requesting information from the Governor, Secretary, or any other Territorial officer, shall lie on the table one day for consideration unless otherwise ordered by unanimous consent of the House; and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from select Committees, and when adopted, the clerk shall cause the same to be delivered.

34. Any five members, if the Speaker be in the chair, shall be authorized to compel the attendance of absent members.

35. Upon calls of the House, or in taking the Ayes and Noes on any question, the names of the members shall be called alphabetically.

36. No member shall absent himself from the service of the House without leave, unless he is sick or unable to attend.

37. Upon a call of the House the names of the members shall be called over by the Clerk, and the absentees noted, after which the names of the absentees shall again be called over and the Sergeant-at Arms shall be directed by the Speaker to compel their attendance.

38. No Committee shall sit during the sitting of the House without special leave.

39. Fourteen members including the Speaker shall constitute a quorum and upon the demand of and two members the ayes and noes shall be ordered.

40. The hour to which this house shall stand adjourned from day to day shall be 10 o'clock, A. M., and 2 o'clock. P. M., unless otherwise ordered by the House.

Of Bills.

41. Every bill shall be introduced by motion for leave, or by an order of the House on the report of a Committee. One days' notice at least shall be given of the motion to bring in a bill.

42. Every bill shall receive three several readings in the House previous to its passage; and all bills shall be despatched in the order they were introduced, unless where the House shall direct otherwise, but no bill shall be twice read on the same day without special order of the House.

43. The first reading of a bill shall be for information; and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

44. Upon a second reading of a bill, the Speaker shall state that it is ready for commitment, or engrossment; and if committed, then the

question shall be whether to a Select or Standing Committee, or to a Committee of the Whole House. If to a Committee of the Whole House, the House shall determine on what day; but if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read a third time.

45. After a bill has been committed and reported back, it shall be considered on its second reading after the amendments of the Committee have been read.

46. After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.

47. All bills ordered to be engrossed shall be executed in a fair round hand.

48. No amendment by way of rider shall be received to any bill on its third reading.

49. When a bill shall pass, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

Of Committee of the Whole House.

50. In forming Committees of the Whole House, the Speaker shall leave his chair, and a chairman to preside in Committee shall be appointed by the Speaker.

51. Upon bills committed to Committee of the Whole House, the bill shall be first read throughout by the Clerk or Chairman, and then again read and debated by clauses, leaving the preamble to be last considered; after report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

52. All amendments made to an original motion in Committee shall be incorporated with the motion, and so reported.

53. All amendments made to a report committed to a Committee of the Whole House, shall be noted and reported as in case of bills.

54. All questions, whether in Committee or in the House, shall be propounded in the order which they were moved, except that in filling up blanks, the largest sum and longest time shall be first put.

55. The rules of the House shall be observed in Committee of the Whole House, so far as they are applicable.

56. No standing rule, or order of the House, shall be rescinded or changed, without one day's notice being given of the motion therefor, nor shall any rule be suspended except by a vote of at least two-thirds of the members present, nor shall the order of business, as established by the rules of the House be postponed or changed; except by a vote of at least two-thirds of the members present.

57. It shall be in order for the Committee on Enrolled Bills to report at any time.

58. No Bill, Memorial, or Joint Resolution shall be printed unless ordered by the House.

59. When any matter is referred to a Standing Committee, by motion of any member, it shall be the duty of the Chairman of such Stand-

ing Committee to notify such member of their time of sitting upon such matter so referred; and said member shall be permitted to confer with such Committee during their consideration of such matter.

JOINT RULES OF BOTH HOUSES.

1. In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference and appoint a Committee for that purpose, and the other House shall also appoint a Committee to confer, such Committee to confer, such Committee shall, at convenient hour, to be agreed on by their Chairman, meet and state to each other, verbally or in writing, as either shall choose, the reason of their respective Houses, for and against the amendment, and confer freely thereon.

2. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House by the door-keeper, and shall be respectfully communicated to the Chair, by the person with whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.

4. Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

5. After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the House or of the Council, as the bill may have originated in the one or the other House, before it shall be presented to the Governor.

6. When bills are enrolled, they shall be examined by a Joint Committee of two from the Council and two from the House of Representatives appointed as a Standing Committee for that purpose; who shall carefully compare the enrollment with the engrossed bills as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the House in which the bill originated.

7. After examination and report, each bill shall be signed in the respective Houses; first by the Speaker of the House of Representatives, then by the President of the Council.

8. After a bill shall have been thus signed in each House, it shall be presented by the said Committee to the Governor for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary of the House, in which the same did originate, and shall be entered on the Journal of each House; the said Committee shall report

the day of presentation to the Governor, which shall also be entered on the Journal of each House.

9. All orders, resolutions and votes, which are to be presented to the Governor, for his approbation, shall also, in the same manner, be previously enrolled, examined and signed; and shall be presented in the same manner, and by the same Committee, as provided in cases of bills.

10. When a bill or resolution, which shall have been passed in one House, is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

11. When a bill or resolution, which has been passed in one House, is rejected in the other, it is not to be brought in during the same session, without a notice of five days, and leave of two-thirds of the House in which it shall be renewed.

12. Each House shall transmit to the other all papers on which any bill or resolution may be founded.

13. After each House shall have adhered to their disagreements, a bill or resolution is lost.

14. When bills which may have passed one House, are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

15. All Messages, Reports, or other documents, presented to either House for general information, and ordered to be printed by such House, shall, when printed, be for the use of both Houses.

It shall be the duty of the Chief Clerk of the House, or the Secretary of the Council, when any such document is ordered to be printed in their respective Houses forthwith, to communicate such order to the other, so that the same order may not be made in both Houses.

STANDING COMMITTEES.

On the Judiciary—Messrs. Thompson, Grimes, Baker, Rogers, and Mitchell.

On Common Schools—Messrs. Bonney, Hebard, Wright, Foley and Robb.

On Internal Improvements—Messrs. Brierly, Wilson, Borland, Johnson, and Brophy.

On Claims—Messrs. Nowlin, Foley, Steele, Smyth, and McCleary.

On Military Affairs—Messrs. Baker, Rogers, Mitchell, Bonney and Nowlin.

On Enrolled Bills—Messrs. Hebard and Robb.

On Engrossed Bills—Messrs. Walworth and Mitchell.

On Township and County Boundaries—Messrs. Foley, Culbertson, Steele, McCleary, Wray, and Smyth.

On Public Buildings—Messrs. Johnson, Brierly, Fay, Hackleman, and Robb.

On Expenditures—Messrs. Hackleman, Roberts, Wray, Fay, Wilson, and Walworth.

On Territorial Affairs—Messrs. Rogers, Wright, Borland, Roberts, and Culbertson.

On Roads and Highways—Messrs. Wilson, Wright, Culbertson, Walworth, and Borland.

On Corporations—Messrs. Grimes, Thompson, Brophy, Johnson, and Steele.

On Agriculture—Messrs. Brophy, Roberts, Wray, Smyth, Brierly, and Nowlin.

On Finance—Messrs. Robb, Fay, Hebard, Hackleman, and McCleary.

On the Library—Messrs. Walworth, Foley, Nowlin, Mitchell, and Brophy.

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